





Class IC 137

Book M3⁵74
1814



$$\begin{array}{r} 372 \\ \hline 3143 \end{array}$$

FIRST PRESIDENT OF THE COURT OF AIDS, AND
MINISTER OF STATE; MEMBER OF THE ACADEMY, &c.

BY

AUTHOR OF

*Oddities and Outlines, George the Third, a Novel; an Essay
on Light Reading, &c.*

"His life was gentle; and the elements
So mix'd in him, that nature might stand up,
And say to all the world—THIS WAS A MAN."

SHAKSPEARE.

SECOND EDITION.

BATH: PRINTED BY GYE AND SON,
FOR JAMES CARPENTER AND SON, LONDON, AND
JOHN UPHAM, BATH.

1814.

DC 137
5
M3 D4
1814

WILLIAM L. BAKER

WILLIAM L. BAKER, of the County of ... State of ...
do hereby certify that the within and foregoing is a true and correct copy of the ...

WITNESSED my hand and seal of office this ... day of ... 1814.

WILLIAM L. BAKER, Clerk of the Court.

Attest my hand and seal of office this ... day of ... 1814.

WILLIAM L. BAKER, Clerk of the Court.

Attest my hand and seal of office this ... day of ... 1814.

WILLIAM L. BAKER, Clerk of the Court.

Attest my hand and seal of office this ... day of ... 1814.

WILLIAM L. BAKER, Clerk of the Court.

TO
MRS. ALICIA LEFANU,
OF DUBLIN.

MADAM,

PERMIT me to assign my reason for prefixing your name to a volume containing the character of a statesman. MALESHERBES was MORE than a great politician; he was not only the energetic and persevering friend of human rights, and the firm opponent, as a minister and a citizen, of popular and kingly encroachments, but was justly admired for opinions as liberal as his mind was enlightened, and for talents and accomplishments which were exceeded by nothing except the tenderness of his feelings.

The detail of so much excellence cannot be placed under more suitable protection than that of one, on whose heart and understanding the same praise has been bestowed ; and who, in addition to genius, taste and courtly manners, is distinguished for an intimate acquaintance with elegant literature in general, and especially with that of France : I therefore beg leave to offer the work to You, as a public mark of the high respect with which I am,

MADAM,

Your most obedient,

Humble Servant,

EDWARD MANGIN.

Bath, December, 1813.

SOME years have elapsed since the first Edition of this Work appeared. The subject was at that period more interesting than it now is, only as the events to which it relates were of more recent date; for of MALESHERBES, who stood boldly and almost alone in perilous times, between the court and the people; who, for wisdom, valour, and integrity was the ornament of his age and nation, and who died, as he lived, the champion, not of a faction but of mankind; the story will never cease to be a just object of general interest and applause—until—virtue shall become the universal practice of our species, or be altogether extinct.

DECEMBER, 1818.

ERRATA:

Page 61, Line 2, for Richlieu read Richelieu

Page 65, Line 6, for advise read devise

THE AUTHOR'S PREFACE.



THE celebrated man whose life we attempt to delineate, has acted too conspicuous a part, both before and since the Revolution, not to interest every class of readers.

Of whatever complexion they may be, MALESHERBES will inspire them with the tenderest concern; and they must take pleasure even in weeping over the fate of an old man, who was one of the most illustrious martyrs of revolutionary cruelty.

The life of a sage is a lesson to posterity;—thus fathers of families, philosophers, senators, magistrates, every man engaged in public affairs, will, in the Life of MALESHERBES, find a model of firmness, of loftiness of soul, and of all that the sublimest virtue can exhibit.

We have had recourse to the purest sources for the facts here placed before the public eye; and have presented MALESHERBES under various points of view; as president of the Court of Aids, minister of state, the advocate of LEWIS XVI. and, lastly, as a simple citizen.

We have frequently made him speak for himself, and been careful to report, with accuracy, those discourses which he pronounced in circumstances the most trying; persuaded that a better way could not be found to give an adequate notion of his character.

We have, besides, written his life with the greatest plainness: the flowers of eloquence occasionally serve to cover the infirmities of a great man; but the long career of MALESHERBES was not sullied by any, and the recital of his actions requires no extraneous ornaments: Virtue should appear without decoration, and to Truth alone belongs the power of displaying her beautiful image.

THE LIFE OF LAMOIGNON-MALESHERBES.

CHRETIEN-GUILLAUME LAMOIGNON MALESHERBES was born at Paris the 16th of December 1721 ; he was descended from a family distinguished both for its ancient nobility, and for the eminent services it had rendered to the state.

GUILLAUME DE LAMOIGNON, his grandfather, was first president of the parliament of Paris; he was an admirer of science and elegant literature, and honoured with his particular esteem the famous BOILEAU, and all the celebrated poets of the classic age of LEWIS XIV. His eldest son was CHRETIEN-FRANÇOIS DE LAMOIGNON, at one time ad-

vocate-general, and afterwards president of the parliament; he died in 1709. His second son, GUILLAUME DE LAMOIGNON, president of the Court of Aids, and afterwards chancellor of France, was the father of him whose life is the subject of the following pages.

MALESHERBES, destined for the highest offices of the state, applied himself with enthusiasm to the study of the laws.

In his father he possessed an admirable master, a tender friend, and indeed an example of every shining quality.

This incorruptible magistrate was entirely devoted to the duties of his station, and was pleased to see himself live again in a son whom he admired; he followed with anxiety his progress in the career of jurisprudence, and guided his uncertain steps in the perplexing labyrinth of laws, ordinances, and customs, which then embarrassed the legislation of the kingdom.

The young MALESHERBES, possessing an intense love of application, could not fail to benefit by the wise precepts of his father. After studying with great advantage under the Jesuits, and obtaining a perfect knowledge of equity, he employed his hours upon history and political economy, and evinced a degree of erudition very rare, at a time when all the young men of rank, influenced by a corrupt court*, abandoned themselves to the pursuit of effeminate pleasures.

His father then could have procured him the post of counsellor to the parliament; but he too well knew the importance of such a situation, and would not allow his son to be confounded with the herd of those, who, purchasing the liberty of deciding on the lives and properties of their fellow-citizens, thought themselves exempted from the necessity of acquiring that knowledge which

* The court of Lewis XV.

would fit them to exercise with dignity the most august functions of the magistracy.

With the intention of preparing his son, he had him appointed deputy solicitor-general; in appearance a place of great inferiority, but which gave him an opportunity to try his first steps in the walk of politics.

In right of his office, MALESHERBES frequently addressed the parliament, and there always displayed unerring good sense, a sweet, persuasive eloquence, and a profound acquaintance with mankind and human affairs: in short, he made himself remarkable in a situation wherein others were scarcely noticed.

It was not until he had undergone such a trial as this, that his father obtained him the appointment of counsellor to the parliament of Paris; and he was then only twenty-four years old, but had more reflection and more judgment than many of his seniors.

Six years after he obtained the reversion of the place of first president of the Court of Aids, held by his father, whom he ultimately succeeded, December 14, 1750.

The Court of Aids was created at the time when taxes were first imposed, to regulate which its jurisdiction was established.

It was at the earnest instance of the entire nation, represented by its deputies, that this establishment was resolved on; it held a distinguished rank amongst the sovereign courts of the kingdom, and was empowered to adjust the collection of subsidies necessary for the expenses of the state, and to oppose the force of justice against those who should dare to abuse the name or authority of the sovereign: It was esteemed one of the strongest barriers against the rapacity of revenue officers, and the safest asylum from oppression: in a word, it was the peculiar province of

that court to enrol all edicts or letters patent which regarded the creation or abolition of taxes.

MALESHERBES found himself placed at the head of that venerable tribunal precisely in the moment when a bloody war, and the scandalous profusion of the court, had exhausted all the national resources, and bowed down the people beneath the pressure of incessant taxation.

We shall now see, by a cursory view of his conduct, what courage he displayed, and what indignation he evinced against despotism, during the twenty-five years that he filled this important office.

A declaration of the king, dated July 7, 1756, authorized a demand, on all traders, of one twentieth part of the profits of their industry. This disastrous tax excited general discontent, and opened a way to the most dreadful grievances.

MALESHERBES, on that occasion, made the following energetic remonstrances: "The tax," he exclaimed, "spares not even those whose daily labour gives value to the productions of the earth, and augments the mass of real opulence: subjects indispensable to the state, since it is from these alone the general trade of the kingdom derives all its vigour and all its substance; men devoted to toil and pain, whose indigence alone should secure them protection; and whose obscurity exposes them to acts of injustice which pass unpunished because they remain unknown. To the meanest agents is committed the privilege of setting a price on the abilities and industry of the hapless artisan. What abuses may not arise from thus subdividing an arbitrary authority? and what redress remains for the wretched creature, who has neither leisure enough, nor hardihood enough, to make the voice of his sor-

rows be heard, or to cry out against oppression ! It is thus that, under the most equitable of kings, the injustice that fears to show itself openly is but too busy in secret."

MALESHERBES, after several observations that bore the stamp of genuine wisdom, declaimed with vehemence against the tribunals of exemption created by the king.

"There are here" said he, "two heavy calamities:—on one hand, the general terror with which these irregular tribunals inspire the people; on the other, the prodigious number of sanguinary executions performed under the mask of their authority. The necessity, say they, of destroying the contraband trade was the cause of forming these redoubtable establishments! But why this disorder in the administration of justice. A tribunal sees itself deprived of almost all its numerous and salutary functions, at the simple dictate of a farmer-general!

“The most respectful complaints were laid, Sire, at the foot of your throne, without its appearing that they were ever heard: this species of prohibition has already lasted more than seven years, and, during so long an interval, an inferior judge has been authorised to execute the duties of a sovereign court, on the conditions, as it is alleged—of an appeal to your majesty’s council; as if most of the affairs which interest the farmer of your customs were of such consequence to the oppressed, as to induce them to come from the farthest part of a remote province, and deliver their complaints in the capital!”

Had all who are placed near kings called on them with similar energy to hear the language of truth, they might still be seated in tranquillity upon the throne, and France might have escaped the storms by which she has been desolated.

The greater number of our revolutionary statesmen were despots under a free government; MALESHERBES, on the contrary, was free beneath a despotism: to every new abuse of power, to every growing evil, he opposed the courage and steadiness of a virtuous man. In proportion, however, as he exerted himself against the multiplicity of taxes, the court created others more burdensome: in 1759, an edict decreed the collection of a general subsidy; but the ministers, foreseeing the opposition which the Court of Aids would not fail to give to its being registered, took the resolution of obtaining by force what they could not hope for from compliance. Accordingly the Count de Clermont, a prince of the blood, presented himself, on the 22d of September, at an extraordinary general assembly which had been summoned: he was followed by a numerous guard, and accompanied by the Marechal de Berchigny.

After causing the king's orders to be read, he laid the edict, of which he was the bearer, on the table, and enjoined the court to register the same upon the spot, and even before its contents were examined. The answer which MALESHERBES, as president addressed to him, is a model of magnanimity: it ended with these memorable expressions: — “ Thus, commands, the execution of which is entrusted to us, are on the point of being deposited amongst our records, and stamped with the last seal of regal authority, before we can know what they are, or foresee to what abuses they may lead. We shall proceed, Sir, to hear these notable laws: may they contradict the alarming opinion of them which has arisen in our minds from the mode of their transmission to us; and may we, after witnessing their publication, not be reduced to return thanks to the royal clemency which dispenses with

our free concurrence to their being enrolled! It is a melancholy circumstance for the court, and, I dare to add—it is such also for princes of the blood, that the king never sends them forth but to deliver the severest mandates, and that in the midst of that joy which their presence should communicate, may be perceived unequivocal testimonies of public consternation.”

All this resistance could not prevent the renewing of arbitrary measures: in 1763, the Prince of Conde was charged with a project similar to the last; and MALESHERBES did not mingle less courage or less dignity in the answer he addressed to him. “The orders, Sir, which you have announced go to suspend the activity of the laws; and the only persons invested with the privilege of causing the just complaints of the people to be heard, are nearly reduced to silence and passive obedience.

“ But ought the king to fear—ought he not rather to desire the discussion of questions so interesting? Will not the necessary effect of discussion be to show him those truths which they are so urgent to conceal from him? The truth must be something very formidable indeed, since they, with so much vehemence, obstruct its approach to the throne.”

It was in this manner that MALESHERBES expressed himself before the first prince of the blood, and in the midst of a military array calculated to intimidate any man who had not an elevated mind and singular firmness of character.

The pretended lovers of liberty in our days, who have echoed the words patriotism, and equality—have they opposed the same resistance to the various kinds of tyranny under which we have groaned? No—they were always low and grovelling before power,

however sordid the form in which it dwelt; nor had they ever courage except to smite the innocent and defenceless, and to appropriate to themselves the spoils of their victims.

If MALESHERBES, as a public character, has established his claim to the applause of future generations, he is no less entitled, as the father of a family, to the esteem of mankind.

He was plain in his dress and manner of living, and disliked those grand entertainments and dinners of ceremony, where the majority of persons in power waste the time they should devote to their duties. He often passed whole nights without sleeping; and in his latter years, lay down with half his clothes on, that he might be the sooner ready for business when he rose.

During a winter of uncommon severity, he was once found at four o'clock in the morn-

ing at his desk; his legs bare, and without any garment on except his shirt: after undressing, his head being engaged by some weighty plan, he wished to write down a thought which had occurred to him: and, drawn on by the fervour of composition, continued writing for more than three hours, insensible to the cold.

He never repulsed the unfortunate who applied to him; but condoled with them, encouraged them, and was prodigal of all the assistance in his power. He had so excellent a heart, that he was more than once the dupe of his benevolence: his fortune, however, could not keep pace with his liberality, and he stipulated with his steward to allow him only a certain sum monthly. One day that he came to receive it, he learned that a large family was suddenly reduced to the utmost poverty: he instantly allotted them all his money, and stole himself away from the

benedictions of the unfortunate beings to whom he had given new life! The next day he went to demand a like sum from his man of business, who took the freedom to expostulate with him for his extravagance: MALESHÉRBES humbly replied, “ Why, what would you have me do?—and they so wretched!”

His conversation was of the gayest kind; and he told a story with a degree of felicity and ease peculiarly his own. Amongst the anecdotes which he loved to relate, the following will doubtless appear sufficiently singular: it is extracted from a sketch of this eminent man’s life, published in the year 4. (1796.)

He often mentioned that he was born on the day *Cartouche* (a famous robber and murderer) was put to death, and entertained himself by recalling that strange coincidence; but in his early years he had been deeply affected by a circumstance which

made a most lively impression on his young heart; he had seen in the country, at a friend's house, the father of *Cartouche*, who, under a borrowed name, acted as a servant. MALESHERBES used to describe, with all his eloquence, the miserable parent overwhelmed with shame and sorrow, and preserving, for several years, silence the most profound, uninterrupted even when alone, except by religious hymns and heavy sighs. MALESHERBES, then ignorant of the cause of his affliction, in vain employed every method suggested to him by his address, his vivacity, and the spirit of inquiry which belongs to youth, to effect the discovery; they who were intrusted with the unfortunate man's secret, remaining faithful to their words: at last he perceived the anxiety of MALESHERBES, to whom he had never spoken, and, drawing near him, said, "*I am the father of Cartouche.*"—And, covering his eyes with his

hands, retired—the tears streaming down his face. MALESHERBES wept, and made others weep in describing this affecting scene.

As a public character, he was never, perhaps, more eloquent or more courageous than on two particular occasions, which presented themselves nearly at the same time; when he had to contend with some vile beings countenanced by protectors still more despicable. All France was then over-run by a tribe of clerks issuing from the Exchequer office, whose arrogance was equal to their folly, and who had crept from the antichamber of the venal prostitute into the splendid apartments of the Financier.

Some of these had exercised the most vexatious oppressions in the vicinity of Mantes: not content with plundering the poor labourers, they also loaded them with fetters; and desolation and dismay had reached their

utmost height in that unfortunate district. The Court of Aids, which, through its organ MALESHERBES, had in vain made so many remonstrances against these abuses, shewed itself inexorable, when informed of the above-mentioned exactions. Commissaries were named to go into those parts, and obtain evidence of the facts: a mass of depositions, one worse than another, was collected; and a criminal process, commenced in due form, was likely to do justice on the heads of the guilty; when, though the matter was entirely beneath its attention, the crown interfered.

One of the accused was cousin to the waiting maid of a favourite mistress; the other had been servant to a farmer-general: there needed nothing more to paralyse the arm of the law, and arrest the steps of justice.

They succeeded in procuring an order from the king, enjoining the Court of Aids

not to pay any attention to these informations insinuating that they rested on vague rumours of abuses said to be committed, none of which were specified.

This insult offered to a sovereign tribunal, with a view to save a few obscure malefactors created the most painful sensations in the public mind. The members of the Court of Aids conceived that they owed it to themselves and to the sacred title of violated majesty, to cry aloud against such an abuse of authority; and it was MALESHERBES whom they deputed to deliver to the king a verbal statement of their mournful apprehensions.

The style in which he performed his mission will, no doubt, astonish a certain set of men, who, born with the Revolution, have become firmly persuaded that magistrates under the old form of government never addressed themselves to kings but in the language of base and servile adulation.

Thus did MALESHERBES express himself on that occasion:—"It is requisite for the king to know that the proceedings which he has ordered to be suspended, were entered upon merely to defend those who are unfortunately liable to taxation: that simple peasants never possess either the means or the boldness of themselves to seek redress against persons infinitely more powerful than they are, and that they must remain defenceless unless justice come to their aid: they who have besought the assistance of the king's ministers against this prosecution could only dread the severity of a tribunal from the testimony of their own conscience, and, in daring to complain, their alarm proves that they feel themselves criminal.

"To stop the prosecution of extortioners, is but to assure them, that protected by an individual (who is himself subject to error and to prejudice), they may attempt every

thing with impunity, and reduce even the laws to silence! Already have new abuses been committed, revenge has been satiated, and menaces put in force; and is it when these horrors are brought to light, that the course of justice is to be impeded?

“ That the king should, by granting a pardon, preserve the lives of the guilty, is the legitimate exercise of his royal authority: but to suspend a prosecution is to anticipate a pardon, which, in almost every case, cannot fail to produce effects the most pernicious: in short, to stop a legal proceeding before trial, is to intercept the voice of truth; and, in an affair like the present, to smother the cries of an injured people?

“ To say that the king will himself be answerable for this process, is to say that his majesty will commit the affair to a minister, who will undertake to give some account of it through the medium of another, and this

one by a third. The fact is, that they have prevailed on the king to command a suspension of the proceeding—not because his majesty will take cognizance of it himself (for that is impossible) but that it may be placed to the account of the ministers or others, whose sentence will be the more arbitrary, in as much as they will not be responsible for a decision protected by the name and semblance of supreme authority.

“ We dare to tell the king, that perhaps the greatest of all abuses is to lavish his prerogative, and condescend to bring his name into question with objects beneath it; and this in order to rescue from justice persons accused! And of what description? men of an inferior class, who are not acquainted with, and therefore never can execute the orders of the king.—But these are orders which, on the contrary, his majesty never heard of, and for issuing which they would

not have demanded his protection, had they not themselves been the criminal authors of them."

These animated representations were without effect. They contented themselves with obliging the accused to change their place of abode; and another province became the theatre of their extortions.

MALESHERBES, however, had not the less performed his duty; and supported by his own conscience, and the public voice, he, in silence, bewailed those ills which he could not prevent.

The ardent friend of his country, and a zealous supporter of the monarchy, he disdained to mingle in the impure crowd of courtiers: he would neither prostrate himself to beg a smile or a favour from a patron, nor become the servile echo of men in power, or the contemptible instrument of their pleasures; but earnestly sought to con-

duct into the right path a monarch whose eyes were dazzled by the lustre of his crown. He humbly hoped to give strength to his authority, by rendering it just and respectable; and laboured for the honour and happiness of his king, by displaying to him those acts of injustice which were likely to alienate the hearts of his subjects, and even incline them to revolt from his sway. The indefatigable vigilance of the Court of Aids gave the highest displeasure to ministers, controllers, and all concerned in the revenue departments; for the robber must ever dread the sentinel and the lamp!

Every species of machination was employed to destroy, in the public opinion, those magistrates who attempted to restrain the rapacity of the Exchequer. A man named *Varenne*, secretary to the states of Burgundy, published a sort of libel against them, written with the most malignant bit-

terness; the printer's name was omitted, and it had been put to press without permission; it nevertheless experienced such a circulation, that it might be suspected to have the countenance of government, if not by open avowal, at least by its silence. This work caused at the time a considerable alarm; it was denounced to the parliament, who condemned it to be burnt at the foot of the gallows by the common executioner, as insolent, seditious, and contrary to the respect due to the person of his majesty, and the dignity of his courts. Besides this, a personal citation was directed against *Varenne*; but his protectors made use of all imaginable dexterity to rescue him from the impending condemnation: to the summons issued for his appearance, he answered by a mandate from the king, commanding him to remain at Versailles on urgent affairs near the royal person, and not to absent himself on any pretext whatever.

The Court of Aids greatly embarrassed, but not willing absolutely to give up the pursuit of this business, embraced the expedient prescribed in cases of sickness or legal confinement: a commissary was dispatched to Versailles, and alighted at the inn where *Varenne* lodged, who, however, was not to be found, and was in vain waited for that entire day. The court then resolved to convict him of contumacy; but new difficulties opposed themselves: witnesses were suborned, false attestations were fabricated, and *Varenne* was even complimented with the ribbon of the order of St. Michael.

Indecency had attained its utmost extent, when the Court of Aids, overturning every thing which obstructed its progress, decreed the arrest of the accused and his accomplices, and prosecuted the suit with the greatest alacrity; but, at the moment when all was nearly completed, the king granted

letters of indemnity. *Varenne*, in consequence, presented himself before the Court of Aids, on his knees and bare-headed, to hear the letters read; and MALESHERBES addressed him, from the bench, in these words: “ *The king grants you letters of pardon; the court confirms them—Begone—your punishment is remitted—but your guilt remains.* ”

His answer to the DUKE DE CHARTRES, who, in 1768, came forcibly to register a new tax, deserves to be recorded.

“ A ceremony the most imposing and the most formidable has already told us the orders which you come to execute. The people groan beneath the burden of redoubled taxes; and, after many years of peace, finding them still increasing, they have lost even a hope of ever seeing an end to their miseries. HENRY the GREAT, from whom you are descended, has left upon the records of this society some valuable memorials, which prove

how remote *his* inclination always was from such acts of authority as are put in force at this day: permit us to remind you of the words of that great monarch—‘ Measures which are carried by compulsion and violence *must* be iniquitous.’ ”

It was at this period that the virtuous chancellor LAMOIGNON, his father, was disgraced, and his place supplied by MAUPOU, who then had the audacity to conceive the project of erecting his authority, on the ruins of magistracy.

LAMOIGNON was too upright to become the instrument of such an outrage; he therefore retired, at a very advanced age; carrying with him into his retreat, the esteem of all good men, and the regrets of every magistrate in France.

The disgrace of this irreproachable minister unluckily proved detrimental to the republic of letters. The same year in which

MALESHERBES, his son, became first president of the Court of Aids, he had received from him the superintendency of the press; an office, in some degree, annexed to that of chancellor, but which was taken from him as soon as MAUPOU had succeeded his father.

This office was perfectly calculated to fetter the freedom of the mind, and to restrain the promulgation of certain bold truths: tyrants cannot endure the liberty of the press: they resemble the ape in the fable, who broke the mirror that reflected his deformity.

MALESHERBES allowed, and even encouraged, the publication of useful truths; and far from being like those minute censors, who take a barbarous pleasure in extending their power, he burdened himself with a painful employment, from a desire to temper its severity: this situation, besides, gave him access to the ingenious, and to men of letters, amongst whom he reckoned many of his friends.

The dry study of the law had not prevented his cultivating polite literature: he was exceedingly well informed, and intimate with every ancient and modern classic author: HORACE, VIRGIL, OVID, amongst the Latins; CORNEILLE, RACINE, LAFONTAINE, MOLIERE, and VOLTAIRE, amongst the French, were most familiar to him. He spoke of them with enthusiasm; loved to quote passages from their writings, and alwas accompanied these with remarks full of propriety and acuteness. He had been made member of the Academy of Sciences in 1750; and of "Inscriptions and Belles-lettres" in 1759. He also belonged to the society of agriculture; and it will appear that he was not like those honorary members, who are inscribed on their lists only to embellish them with pompous names, and fastidious titles.

Under the direction of MALESHERBES, the press enjoyed all the freedom it could have

in a monarchical government: the charges of the bishops, and the thunders of the Sorbonne, could not prevent the publication of works of merit, which have enlarged the bounds of human knowledge; and which, but for him, would, perhaps, never have seen the light. But in proportion as he encouraged the modest author, who dedicates his labours to enlighten and instruct the age, so did he shew himself severe towards the class of licentious writers, whose effusions breathe contagion, and taint the public morals!

To his care and benevolent exertions France is indebted for the Encyclopedia; the works of ROUSSEAU, and many other productions, which he sheltered from proscription. VOLTAIRE, writes thus, the 4th of October, 1773, to M. D'ARGENTAL. "M. DE MALESHERBES has rendered infinite service to human genius, in giving greater liberty

to the press than it ever had before—we are already more than half Englishmen.”

In fact the literary world in him found a friend and father: if he was compelled to offer an opinion contrary to their's, it was always conveyed in the most courteous expressions, and the most persuasive tone. He united in himself so much of every sort of knowledge as enabled him to converse with each, on what each knew best: he was equally at his ease with the poet and the pleader; and no one ever left him without being charmed by his affability and politeness. He used all the artifice of a scrupulous delicacy in offering assistance to those whose necessities he suspected, and pretended to accommodate them with money granted by the state, whilst the expenditure was entirely his own. How many families might be mentioned, who are, at this day, happy by means of his benefactions! how many pages might be

consecrated to the recital of his generous acts, had he not so perpetually performed them in secret!

His courage and unconquerable firmness raised up powerful enemies against him; and even persons of the highest consequence wished to overwhelm him by their influence, but feared to strike the meditated blow; his acknowledged and matchless virtues still protecting him.

One day, a severe complaint was brought to the chancellor of a historical work which appeared with approbation and privilege, and which contained, as was averred, some principles highly reprehensible: he sent for MALESHERBES, his son, and seriously reproached him for publishing a work of such a nature, and choosing an injudicious censor*: he also endeavoured to suppress the

* Or Reviewer; a person appointed to examine writings before they were published.

book, and to punish him who had been so heedless as to give his approbation to it. MALESHERBES defended the author with all possible earnestness, and respectfully represented to his father that the charge was unfounded: he analyzed the work and the sentiments of the historian in the most interesting passages, reminded the chancellor of the general merit and precision of the censor he had selected, and proposed to him to stop the sale of the work for some days, send a copy to five different censors, whom his father should name, and order them to report, without delay, such passages as appeared to them fit to be suppressed: to this the chancellor consented; the five censors, who could not concert together, because each was ignorant that the other had the work in hand, quickly gave in their report; but, on comparing the parts criticised, not one was found to which all, or even a majority of them,

objected: the passages indicated were different, and the number not the same, in any one report! Profound silence and considerable confusion formed the only answer to this striking lesson on the injustice and inutility of the censor's office: The work sold rapidly, and no more was said against it.

Though, at the time of his father's disgrace, MALESHERBES ceased to have the direction of the press, he employed himself in devising means for disengaging it from those numberless restraints by which its efforts were impeded: he even drew up a statement of the case, very finely written, and displaying a most sagacious view of that important question. Probably this essay has, in common with so many others, fallen a prey to the revolutionary Vandals; and its loss is the more to be regretted, as it might have thrown some light on a subject, which, since the Revolution, has given rise to much debate in the lettered world.

Several learned men who had conversed with him on the point, assert that MALESHERBES had laid it down as one of his principles, that despotism alone could fear the liberty of the press, when circumscribed within the limits marked out by sound policy, and the respect which is due to the laws.

The chancellor MAUPOU re-established the censorship, with all its inquisitorial formalities, but the books thereby prohibited did not circulate the less; they were printed in obscure quarters, and contributed, by a smuggled trade, to enrich the bookseller. The printing-presses of Holland and Flanders were supposed to issue them; and the police was obliged to maintain an army of agents in order to hinder the circulation of works which, had they not been prohibited, would never have been perused. The resignation of MALESHERBES threw all the friends of literature into despair, for in him they

lost a most enlightened and liberal protector. J. J. ROUSSEAU, whom he had always treated with distinction, and who would not have been a misanthrope, had all men in power resembled MALESHERBES, addressed the following letter to him.—“ On learning your resignation, I sighed for literature; but I congratulate you : while you cease to be officially at its head, you will still remain there by virtue of your talents: by means of these you can delight your mind, and decorate your asylum. Given up to literary pleasures, you are no longer compelled to witness the misfortunes of the learned; you may now cultivate philosophy more at your ease, and your heart will have less to suffer.”

It was, indeed, observed, that MALESHERBES always filled those places which were most repugnant to his principles and general way of thinking: his situation as superintendant of the press obliged him sometimes

to wound the feelings of men who were dear to him: "but, said he, "I am rather the counsellor than the censor of writers, and am scarcely sorry to do my duty strictly, when I reflect how much evil might be perpetrated by an unjust or intemperate man in my place."

As president of the Court of Aids, he had still more to endure: being, in some degree, compelled to sanction the rapacity of the Exchequer, and the oppression of the people. But his courage seemed to increase with his difficulties; he disputed the ground inch by inch with his opponents, and forced them to drive him to his last intrenchments before he would yield. Involved in duties as perilous as they were honourable, he performed them with additional energy, fearless of the tempests which threatened his repose. Day after day, he presented to every new encroachment of authority new obstacles, and

made the powerful voice of truth reach the throne.

His venerable father, whose extreme age and eminent services could not protect him from the hatred of his enemies, had been exiled after his dismissal. When, at length, he was permitted to appear again, the Court of Aids hastened to congratulate him on his return; and CHOART, the president, addressed him in these terms:

“SIR,

“Impressed with the liveliest sentiments, we approach you to testify the pleasure we feel in again seeing you after so long an absence: the more distressing to us from the proofs we have had of your sincere attachment to our interests, both as presiding over us, and over the laws. In the midst of our concern, there remained to us, however, one source of consolation; and this we

found in the noble person who sits at our head: your other self—he is the image of your virtues.”

MALESHERBES was one in the number of those deputed on this occasion, and could not refrain from tears, on seeing once more his parent loaded with years and honours, and from whom he was proud of having received the gift of life. The chancellor MAUPOU was far from deserving a similar eulogium: in conjunction with the famous Abbe TERRAY, whose calamitous administration completed the derangement of the finances, he every day offered fresh insult to the members of the judicature, and even no longer dissembled the plan he had formed for their ruin. An affair, the particulars of which are horrible, accelerated the period of their destruction.

A man of the name of *Guillaume Monnerat* was arrested in his own house by the agents of

the farmer-general, after a "lettre de cachet" had been taken out against him for smuggling tobacco. Committed to the Bicetre, and thrown amongst the vilest criminals, he experienced such persecutions as would not have been inflicted on malefactors condemned to the rack: he was flung into a deep and noisome dungeon, where the sun's rays had never penetrated, and a chain weighing fifty pounds, and attached to the wall of the hideous cavern, was fastened to his neck. Having thus suffered for six weeks, and being at the point of death, he was removed to another prison, where he remained for seventeen months longer.

On being restored to liberty, he devoted his first moments of freedom to the task of proving his innocence; and the farmers-general themselves were obliged to acknowledge, that it was not for *him* the "lettre de cachet" had been intended, and that a similarity of names had caused the mistake!

Towards repairing so barbarous an error, it might be presumed that the least which the farmers-general could do was to indemnify the unfortunate *Monnerat*: they could not, indeed, purchase at too high a price the suppression of a transaction which, if spread abroad, must excite the public indignation against them;—but—can it be believed?—*Monnerat* was compelled personally to implore a trifling sum, and they were so infamous, or rather so stupid, as to refuse him!

Monnerat then applied to the Court of Aids; where, after a full examination of the facts, the farmers-general were sentenced to make a formal recantation, and pay fifty thousand livres damages, with interest.

MARIERES and LAROCHE, directors of the excise on tobacco, were, over and above, cited to appear before the court, and their prosecution was decreed in due form.

Monnerat had nothing in his favour, save

his misfortunes and his innocence; the Court of Aids possessed no power, except what courage bestows, and the farmers-general were opulent; thus they obtained a triumph—*Monnerat* was sacrificed, and the court silenced.

On the report of the Abbe TERRAY*, whose every movement was influenced by the spirit of taxation, the king reversed the decree of the Court of Aids, and forbid its proceeding any farther in the suit: the court did not, however, discontinue its exertions until commanded by a new edict to drop

* It was he who first reduced property to one half of its value: a fraudulent bankrupt who pays fifty *per cent.* to his creditors, would have made as good a controller-general. The Abbé TERRAY had agents worthy of him; his secretary wrote, on a common card, reports of the greatest moment: on these our Abbé just threw his eyes, and whirling himself round, passed sentence upon the fortunes of the citizen. He used to say, "I never read these packets they hand in to me: the odour of them is quite sufficient, and I know the nature of any business by smelling to it."

the prosecution, on pain of being totally suppressed.

When we reflect on such odious conduct as this, we naturally devote to the execration of future times those infamous ministers, who have intercepted the cries of innocence oppressed, and immolated to their boundless rapacity and sordid avarice the inalienable rights of justice and humanity.

These are they who have produced the most dreadful, the most deplorable of revolutions: their names deserve to be placed first on the records of assassination, and the blood of their guiltless victims should stain their hated memories!

MALESHERBES in vain endeavoured to spare ministers the scandal of the above affair: and even wrote a letter to M. DE MAUPOU, the most remarkable passages of which we shall here set down.

Paris, July 28, 1770.

MY LORD,

“ I know how dangerous it is for a first president to discuss, in his own name, such matters as concern the king’s authority; but, in the present state of affairs, that danger is no longer a consideration which shall restrain me. I can be silent no more: and must begin by calling you to witness this fact, that the affair in question could never have taken place, but that the council chose it should: I spoke of it to the controller-general, when I thought it was going forward in the Exchequer, that is, before the decrees of the council were signified; and, since that, I had the honour to speak of it to yourself, because I knew that it had already come before you. You may recollect, my Lord, that the day on which the second decree was communicated to us, I presented myself at your door, at the moment you

were setting out for the country : I insisted on seeing you ; the request was made to yourself, and you refused me*.

“ You nevertheless, knew that I must have had something of consequence to say, because it was upon that day the decree was announced, which menaced the Court of Aids with a prohibition. Anxious to render the business less serious, I went the length (and perhaps, in so doing, exceeded my duty) of proposing to the accused themselves to take some steps, that, without interfering with the authority of council, might abate the activity of the Court of Aids ; and they rejected the idea with a degree of insolence, which, considering who it was that came forward, the creatures of a farmer-general

* At the same time that M. de Malesherbes waited in the antichamber of Maupou, the farmer-general MAZIERES, then under a criminal prosecution, arrived, was admitted, and spoke with the chancellor.

would never have assumed, unless ordered ; and such an order could not have been issued, but by those who wished the affair to make a noise.

“ If the Government desires an opportunity of committing a flagrant act of authority, I shall dare to tell you, my Lord, that the time is very badly chosen ; for the foundation of the grievance—which they seem to have lost sight of, while they are dreaming over ceremonials—is a great and most alarming vexation, which the Court of Aids is determined to oppose.

“ I am aware, my Lord, that all I say to you will have little effect ; but in the hour when the society I belong to is threatened with annihilation, I should reproach myself, had I not communicated my thoughts to you with that freedom and veracity, to which I am impelled by the integrity of my sentiments, and the purity of my conduct.

“ I even confess to you, that I am much fonder of thus explaining myself on paper, than by word of mouth. A day will assuredly come, when they will repent of having directed so deadly a blow against a court which deserved to be differently treated: and perhaps they would themselves upbraid the man who, placed at the head of the Court of Aids, had neglected making the necessary efforts for its preservation.

“ You will not take it amiss, my Lord, if I venture to consider this letter as one that will, at all times, be my justification in the eyes of the King, of the Court of Aids, and of every man of honour. I am, with profound respect,” &c.

This letter, calm, cautious, and delicate, as it was, excited the anger of MAUPOU, who thenceforward vowed eternal hatred against M. DE MALESHERBES; and, in order to sa-

tisfy it, conceived, shortly after, a scheme, the meanness of which fully corresponded with his general views.

The Court was, at this time, at Compiègne; the unfortunate Lewis XVI., then the dauphin, was obliged to be at Versailles, on the 31st of July, with all his attendants, and with the rest of the royal children: it was consequently impossible to procure post-horses on that road, and difficult even to hire them at Paris, they being all engaged for the journey of the princes and their households.

It was precisely this day that MAUPOU fixed on to summon to Compiègne, M. DE MALESHERBES, and thirty other members of the Court of Aids: and he took care that the order should not reach them until the evening before, that he might make it impracticable for them to comply, and thereby increase the king's anger against the whole

party. But MALESHERBES defeated this pitiful project: he took on himself the preparations for the journey; applied to the purses of his friends; by dint of money secured carriages and horses, and bore all the expense himself, lest some of his colleagues, not being able to arrive at the appointed hour, should experience the vengeance of the chancellor.

The king received M. DE MALESHERBES, and the members, and, in a severe tone, addressed them as follows:

“The prohibitions notified by the decrees of my council, on the 25th of June and 15th of July last, have not prevented your following up *your* decrees, which I had already set aside.

“I forbid you, once more, to proceed in this matter*: the first president, and two

* The business of MONNERAT.

others of the court will attend me, at mid-day, on Friday the 3d of August, to report to me its resolution upon the subject."

MALESHERBES accordingly appeared, and having acquainted the king that the Court of Aids found itself obliged to obey his orders, addressed some remonstrances to his majesty, and in these attacked, with great force, the system of oppression and exorbitance by which all France was wasted. It was in this discourse, an absolute manifesto against tyranny, that were contained the ensuing reflections on "*lettres de cachet*."

"Those orders have so accumulated, that no citizen can be sure of not seeing his liberty sacrificed to motives of personal vengeance, *for no one is great enough to be secure from the hatred of a minister, nor little enough not to merit that of a clerk.*"

"When these orders (of which the king's subjects are the victims) emanate from the

king's own will, it is to his justice only we must address ourselves; but when we know not by whose influence they have been procured, we must provide against the authors of an oppression exercised by virtue of a mandate wrested from his majesty. Did not this resource exist, where could the oppressed find a remedy? The subjects of the king still possess a *slight vestige of their ancient freedom, which these persons need not envy them.* 'The discontent of a master has its limits, the vengeance of an ignoble enemy is boundless.'

“The mouths of such as complain of these “lettres de cachet” are stopped by the maxim—that the secrets of government must not be submitted to the inspection of tribunals: a maxim that merits notice when the question actually concerns the secrets of administration—but which is dreadful in its effects, when they would thence infer

that there remains no appeal against similar orders issued by ministers.

“If the persecutors of *Monnerat* are not punished, they will continue obtaining illegal orders, and will execute them: taking only greater precautions that the reason of their being procured may be concealed—and no one be responsible; they will again claim the privilege to shut up in dungeons those whom *they* may deem criminal; and the administration will take part with the officers of the revenue—to hinder the torch of justice from throwing light on what passes in those regions of obscurity.

“At the present day, ‘lettres de cachet’ are considered indispensable every time that a citizen is wanting in respect towards a man of rank; as if persons in power had not already advantages enough.

“They also furnish the ordinary mode of punishment for indiscreet conversation, of

which there never can be any other proof than from information given—a *proof always uncertain; for an informer is ever a suspicious evidence.*”

The catastrophe so long foreseen at length overtook the Court of Aids in the month of April 1771. Already had a royal convocation been held at Versailles in the preceding December, the result of which was the dissolution of the parliament, and the banishment of its members. An irregular tribunal, composed of men sold to the court, was substituted for them; but the greater part of these not being yet at their post, the course of justice was interrupted, and crowds of unfortunate persons were left languishing in the prisons, waiting for the installation of MAUPOU's judges.

The Court of Aids, which the thunderbolt of royal indignation had as yet spared, assembled at the summons of MALESHERBES,

and commissioned him to present remonstrances to the king on the desperate condition of the state:—the greater his danger was, the more fire and energy he displayed.

“Terror,” said he, “has not shaken our firmness: it is notorious that all manner of access is denied to truth: our demand to be heard will doubtless expose us to the effects of powerful hatred—but our silence would insure our being accused by the whole nation of treason or cowardice.

“The rights of that nation are those alone for which we this day contend: in other times, we should have told you that those of the magistracy were violated with every circumstance of inhumanity; that the magistrates themselves are dispersed over the kingdom by your orders, and, by an unexampled species of cruelty, care has been taken to select the most lonely districts, where, to aggravate their disgrace, all the convenien-

cies, and even the necessities of life were wanting.

“ These courts are now the last remaining protectors of the helpless and unfortunate; all the rest are reduced to mute and passive submission: no individual will dare to expose himself to the anger of a commissary, or a commandant; much less to that of a minister. And, although we were not interested to fulfil our functions:—though we were deaf to the voice of duty, yet we cannot be so to the means of a people suffering by the interruption of justice.

“ Cruelly must the rights of the nation have been invaded, and potent must the sentiments of virtue and honour be in magistrates who can thus lay themselves open to imprisonment, to exile, to the injuring of their fortunes, to the loss of health, and even to the loss of life, which has been the

fate of many amongst those condemned to banishment.

“By what fatality are they urged thus to force the men of France to remind their governor of those laws which Providence has imposed upon him, together with his crown? Sire! You hold it from the Almighty—but do not refuse us the satisfaction of believing that you also owe your power to the voluntary submission of your subjects: or rather—without agitating questions of this melancholy nature, which should find no place under a reign such as yours,—deign to reflect that the divine power is the origin of all lawful dominion; but that the supreme happiness of the people should ever be its end and aim; and that God has put the diadem on the heads of kings, only to ensure to mankind security of existence, liberty of person, and the tranquil enjoyment of property.

“ Sovereigns may have more or less power, but their duties are invariably the same: should there be any so unfortunate as to preside over a people destitute of laws, they are compelled to supply the place of these, as well as they can, by their personal love of justice, and a prudent choice of those in whom they deposite their authority. But—*if there are laws—if the people look on them as the ramparts of their liberty—if they are really an useful restraint against the abuses of authority—excuse our making it a question, Sire, whether, in any state, a sovereign can dispense with such laws: is it enough for us to tell a prince who is the friend of justice, that HE OUGHT NOT.*

“ It is given out that your majesty means to replace those members of the parliament who have refused to be the despicable tools of your ministers: we must be so bold as to assure you, Sire, that there will be found none to fill their room, but men who, in ac-

cepting that station, will *sign the sentence of their own dishonour*: one part of them, from ambition, will be content to face the public odium; the rest will sacrifice themselves with regret, but be forced to it by indigence: *the first, consequently, must be already corrupt—the others likely soon to become the same.*

“Such, Sire, are the judges you are about to give to your people; and by such as these must be determined the fortunes—the reputations—the existence of Frenchmen! On the other side, the ministers, at their pleasure, take away the properties and subsistence of the citizens—and their feelings as men of honour are all they have left—for *these cannot wither even beneath the blight of arbitrary power.*”

These expostulations only increased the fury of the ministers; and MALESHERBES was banished to his country-seat, by a “*lettre de cachet*,” dated the 8th of April.

He soon after learned that the DUKE DE RICHELIEU, escorted by a large armed force, had come, in the name of the king, to dissolve that valuable tribunal over which he had presided with such distinction.

* The following is a letter which he wrote to one of his friends on the subject of that event.

April, 11th, 1771.

“It is true that the blow they have struck the Court of Aids, is one of the greatest misfortunes I could experience. I was prepared, since last year, for all that should happen merely to myself: you may recollect the decree of council, announced to us,

*The MARECHAL de RICHELIEU, after the dissolution of the Court of Aids, wished, on going out, to take a rank to which he was not entitled: the president objected to this, and asked him for his orders: the MARECHAL answered that *his orders were—his soldiers.*—This was an argument which precluded any reply!

under penalty of an inhibition: it was manifest that they only sought for a quarrel, and offered that insult to drive us into some inadvertency, which would furnish them with a pretext to silence or dissolve us.

“The chancellor and the Abbe TERRAY acted then in conjunction; it was plain that the chancellor desired, by making an example, to intimidate the parliament, with whom he was then beginning to embroil himself, or wished to try his strength against a less powerful party. No doubt, some controllers of the finances, or some receivers had an inclination to seize that opportunity of destroying a society which had always overlooked them too sharply.

“Be it as it may, the scheme was so iniquitous, that it was enough to expose it, in order to make it miscarry. To that end, it was only requisite for me to devote myself to the chancellor’s malignity—and this I did:

I wrote him a letter, and demonstrated to him, in terms the most precise, his own perfidy throughout the whole affair; I also told him, that I should one day make that letter public. Most probably they were afraid—for they settled the business at the time, and the project was not then effected: but I strongly suspected that they would seek other opportunities, and find them. Just at that period I had not any conversation with the chancellor: nor indeed since that, with him, or any other minister, on matters relating particularly to him. When I then perceived the eagerness with which they prevented the king's listening to me, I had no doubt that the day of vengeance was come. Perceiving its destruction resolved on, I took a step which I thought due to the society; and the event has but too fatally proved that my conjecture was right.

“ It occurred to me, that if one victim

were offered, it would suffice to hinder their going through with so desperate a measure as that of destroying the first Court of Aids in the kingdom. I saw with regret that our brethren would be left without resource, and find themselves deprived of their situations and a part of their fortunes, which the majority could badly spare: for you must conceive, that their salaries, adjusted according to the caprice of the controller-general*, and the payment of which is not likely to be more exact than that of the royal monies, will lose, at least, three fourths of their value.

“ And on this they have induced the king to resolve, without the parties concerned being previously advised, or a single word in mitigation being permitted them. These reflections are useless, the facts speak for themselves.

* The Abbè TERRAY.

“All I can tell you with respect to myself is, that if the wish to destroy me has in any degree contributed to the misfortune of my colleagues, it is the greatest act of cruelty which the most barbarous spirit could advise.

“A source of consolation to me is the hope that the only steps by which I could have provoked the government, are my letter of last year to the chancellor, and the remonstrances on the “lettres de cachet,” and on the dissolution of the parliament. But my letter to the chancellor was necessary to prevent their executing against the Court of Aids, in 1770, the vengeance they have since inflicted: and as to the remonstrances, it appears to me that they were delivered upon such occasions as call on whole bodies, as well as individuals, to sacrifice themselves for the good of the state. This testimony, which I can bear in my own favour, is quite suffi-

cient to console me for my share of the misfortune, but is not enough for what I feel on account of my associates and my friends.

“ I am,” &c.

MALESHERBES, withdrawn from the stage of public affairs, passed his days in serenity at his retirement; dividing his time between his family, his books, and the cultivation of his gardens.

He had written a vast number of valuable remarks on the political condition of France, the administration of justice, upon agriculture, and natural history. These observations, which he designed to arrange, and which were afterwards carried off by the revolutionary barbarians, breathed the spirit of an enlarged philanthropy, an enthusiastic love of his native land, and a lofty and valorous independence.

Every hour of his day was marked by benevolent actions or useful discoveries. Rising before the dawn, he walked out to watch the progress of vegetation, and admire, in respectful silence, the ever-new and various wonders which nature pours forth with a lavish hand, for the benefit of human kind.

He encouraged, by his example, the numerous labourers whom he employed in tillage; with the spade in his hand, he even took delight in digging the ground himself; and never forsook his task, till, exhausted by fatigue, he would retire to repose himself under the shade of trees which his own hand had planted.

His mansion was furnished in the most unostentatious style; for he found more pleasure in giving bread to a multitude of the poor, than in squandering immense sums on costly decorations. His place was laid out upon the principles of the old gothic

manner; accordingly, people of *taste* advised him to throw all down, and rebuild upon a modern plan—but he had inherited the edifice; all his ancestors had lived in it, and he preserved it as a family-piece; a sacred monument of his attachment and respect to his forefathers.

His table was economically supplied, and his domestics few, although his annual expense was considerable; but his wealth was employed for the gratification and advantage of his dependents: canals carefully formed, meadows reclaimed, marshes drained, the roads in his neighbourhood skilfully made, dykes opposed to the violence of the torrent, umbrageous walks, and picturesque plantations, were the objects on which MALESHERBES expended his income.

To facilitate the communication with different parts of the country, he constructed several bridges of solid masonry: the travel-

ler, too, shared his benevolence; a shady walk near the high-road protected him from the fervor of the sun; and for the repose of the humble foot-passenger, commodious benches were at hand, while a fountain of pure water flowed to appease his thirst. He also contrived means to lighten the fatigues of the weaker and more amiable sex; and built convenient sheds on the borders of the river, where the cares of domestic industry obliged the women of the village to remain exposed during the most rigorous seasons.

Owing to this, the inhabitants loved him as a parent, and under his influence every one enjoyed a degree of respectable ease: the children received instruction, the aged were held in honour; and the peasant who had cultivated his fields with most care, and managed his flocks or herds to the greatest advantage, obtained a premium, which gave

birth to a virtuous emulation, and tended highly to the improvement of agriculture.

MALESHERBES derived his chief pleasure from the pursuit of natural history, and had acquired most extensive knowledge in that science: he wrote some very curious observations on the *larch-tree*, and the *mahaleb*, or wood of St. Lucia; he also composed a treatise on *pin*es, and another on the varieties of the *orchis*, &c.

He planted in his grounds at Malesherbes, a quantity of exotics; these he had even familiarized to the climate, and multiplied them to such a degree, that, in straying through his woods, one might fancy himself transported into distant regions, where the *acacia*, the *palm*, and the trees of *Palestine* grow. High rocks, magnificent water-falls, and majestic pines, added still more to the illusion; forming a situation singularly pic-

turesque, and a display of enchanting scenery.

Whilst this venerable philosopher forgot, in the bosom of tranquillity, the shameful manœuvres of court intrigue, the disgraceful traffic of corruption, and the arbitrary acts of despotic power, Lewis XV. wore out amongst his mistresses the remnant of a despicable life; and his perfidious counsellors continued, day after day, to dig still deeper that abyss which ere long was destined to ingulph the antique colossus of the monarchy.

LEWIS XVI ascended the throne amidst universal acclamations. This young prince, possessing a tender heart, a correct understanding, and great integrity of character, was the object on which the nation rested all its hopes; and, beyond a doubt, he would have realized their warmest expectations, had the wounds of the commonwealth been less deep—or had he joined, to the vir-

tues of a good citizen, the firmness of a statesman.

His predecessor had left him many misfortunes to repair; corruption had attained its acme; the rights of justice were trampled under foot; France was encumbered with an enormous weight of debt, and exhausted by taxation. In short, calamities of almost every description overwhelmed this unfortunate country.

LEWIS XVI., by his first acts of authority, restored the nation to its hopes:—who could have imagined that the fair sunrise which marked the morning of his reign was to be followed by so long a night of disasters, and of woe!

The young king hastened to give back to the people those magistrates who had been so scandalously taken from them; on the 10th November 1774, MALESHERBES, in his retreat, received an order commanding him

to appear on the following day but one, in the place where the Court of Aids had formerly sat.

The Count d'ARTOIS, attended by a great number of the princes and marshals of France, brought thither an edict from the king, re-establishing that tribunal in all its privileges; when MALESHERBES pronounced the following reply:

“ MY LORD,

“ The king has now before him a scene the most flattering for a powerful monarch, and the most touching to a mind of sensibility: he hears the unbought, generous acclamations of an entire nation; of that nation, whose gratitude has (if I may be allowed the expression) preceded the benevolence of his majesty, and whose wishes the king has answered by consulting them on the choice of his ministers.

“ Those striking proofs of the love of the French for their ruler, will remain for ever engraved on the king’s heart, and cannot fail to dispel those deplorable jealousies, which make the misery of princes and people.

“ If ever there should arise such turbulent spirits as can exist only in troublesome times: if they dare to utter those pernicious maxims—that power is never sufficiently respected, unless terror walk before her—that the administration ought to be a mystery hidden from the eyes of the people, because subjects have a perpetual tendency to disobedience; and when they remonstrate, or when they supplicate, they but design to rebel; that authority has an interest in maintaining those who are in power, and those who abuse it: that the king’s most faithful friends are objects of hatred to the people:—Then my Lord, without recurring to what passed in the happy days of St. LEWIS, of CHARLES V.

of LEWIS XII. or HENRY IV. it will be enough for our king to recal what he has beheld in the earliest hour of his reign: and you, my Lord, who have witnessed this, and sit beside his throne, we trust, will incessantly remind him with what solicitude, what sincerity, what an overflowing heart, the whole nation has acknowledged her young monarch: this, France expects from you, and from all who, like you, are dear to the king, and interested in his prosperity.

“ Whilst all his moments are dedicated to the weighty cares of government, and whilst perhaps, no mode of seduction will be left untried to hinder truths from reaching him, it must be you who will collect the wishes of the people, will be their faithful interpreter, and preserve between them and the king that uninterrupted relation, that valuable intelligence, I shall venture to call it that familiarity, which at this instant constitutes

our happiness, and is absolutely necessary to that of the empire.”

When the Count d'ARTOIS had withdrawn, he addressed the following discourse to his colleagues:

“GENTLEMEN,

“Our ancient custom is to assemble annually, in order to repair the losses we may have sustained; and reciprocally to excite each other to the practice of the important duties of magistrates.

“Respect bids us be silent on the misfortunes we have suffered: we must henceforth consider only the just and generous hand which has restored us to our functions;—but indeed what is that part of science of virtue to which it is necessary to exhort magistrates such as you!

“There is one, Gentlemen, which is the foundation of all others, and which at present should form the leading motive of all

your actions; and this is—THE LOVE OF PUBLIC GOOD.

“Let us not lose the valuable moment that ought to constitute the happiest period of the monarchy. A youthful king has ascended the throne with a real love of truth, and endowed with courage to hearken to its voice—let us possess the courage to tell it to him.

“Let us not think any obstacle insurmountable; on the contrary, let us believe, that he who has rendered back to the people their legitimate judges, would scorn to confine their honourable zeal: justice is enthroned in the heart of LEWIS, and the nation has every thing to hope.

“In other times, our sole employment was the literal execution of positive laws; and a strict observance of the laws is still our duty, as judges of the land: but—to day, when, in the presence of a royal legislator, we

plead the nation's cause, shall we carry our deference for the actually existing laws so far as to be afraid of declaring what abuses, what rigour, what injustice they contain? No, Gentlemen; you shall display a picture of the harshest features of the laws before the eyes of a king who has at heart the happiness of his subjects; and should the necessity which produced them forbid their abolition, at least reckon with confidence on receiving all the alleviation which we have a right to expect from enlightened humanity.

“Such, Gentlemen, are the mighty objects which will engage your attention in your particular assemblies; and no one here will disclaim the assertion, when I aver that you have pledged yourselves to this undertaking in the view of the public; of that public which is the judge of magistrates and of ministers; of whose suffrage there is no

earthly power but might be ambitious: a public, let me be free to say it, Gentlemen, to whom, on this solemn day, we feel ourselves attached by new ties—the ties of gratitude,

“Gentlemen, the solemnity of this important hour must not make us forget that we have tears to shed: I allude to that magistrate* whom death has snatched from amongst us, and who was as dear to his associates for the charms of his conversation as he was useful in this tribunal for the rectitude of his mind, and the purity of his virtues.

“You all know what his fidelity was as a friend, his tenderness as a parent, his integrity as a citizen, his zeal as a magistrate: but—you may not know perhaps to what

* M. PETIT DE LEUDEVILLE.

extent his attachment to this society was carried in the last moments of his life: attended by his virtuous family, to whom he was inexpressibly dear—a wife in tears—a son, who was his fondest hope: his thoughts turned towards you--towards a society then dispersed, and lamenting beneath the cruel stroke which at one blow had annihilated the magistracy of France, still superior to prejudice and unshaken amidst the calamities of the hour, he enjoined those who should survive him to request of you, as the greatest favour, that you would adopt his son. This last wish of an expiring father was conveyed to me in the retirement to which I was confined, in a letter written by the hand of his afflicted widow; nor could I avoid comparing him who dictated its contents to those illustrious republicans, that, in the most disastrous periods, conferred the palm of applause on him who did not despair of the salvation of his country.

“ It occurs to me, Gentlemen, that this anecdote is not unworthy of being brought forward in so august an assembly.”

Then addressing himself to the advocates-general:

“ Gentlemen of the king’s council——If antiquity gave birth to those celebrated orators who are at this day our models, it was in those famous republics, where a plain citizen had a privilege of discussing the weightiest interests of the state in the presence of the people.

“ Amongst us, to you alone belongs the enviable liberty of speaking to the people, and watching over the general welfare. Long practised in this momentous duty, habituated to prepare the oracles of justice, honoured with the confidence of the public, whose protectors you are, the court expects every thing from your energy and your talents: it looks to you, particularly at this memorable

crisis, for new exertions to unmask injustice, guide truth to a triumph, and aid the patriotic designs of a king, whose wish is to govern with equity: Orators of the bar—who have sacrificed to the delicacy of your principles the dearest interests of mankind,* come forth, at length, from your venerable retreats where your powers have so long been lost, and receive from the hands of the public the only recompense suitable to your integrity. Come forward, you, who in the worst of times, were still the undaunted defenders of the citizen;—you, whose presence has more than once upheld justice, when nearly overpowered, and who, upon this fortunate day, enjoy the happiness to

* During the suppression of the parliament and of the Court of Aids, the most distinguished advocates were prohibited from pleading.

see yourselves again united with your virtuous confederates, from whom your hearts were never estranged.

“Magistrates—orators—citizens of every rank—oh never cease to remember, that the greatest act of treason against a country is to sow the seeds of intestine divisions; and that the greatest blessing a monarch can share—now so invaluable to his people—is to have appeared as a peace-maker in the temple of justice.

“Let us consummate the work which has had so auspicious a beginning, and complete the confusion of the authors of public calamity, by discarding all animosity from our breasts, and, after the storms we have endured, making the broad day of reason shine out. Let us forget our sufferings, pardon the weaknesses of others, sacrifice all our resentments, and allow ourselves only a noble emulation in promoting the general advantage.”

After this ingenious and affecting discourse MALESHERBES moved a decree that the Court of Aids should return thanks to the king for having restored it to its rights, and was himself intrusted with that commission: he accordingly appeared at Versailles on the 27th of November 1774, and addressed the king in these terms:

“SIRE,

“The birth of your reign has been distinguished by applauses;—glowing testimonies of your people’s love, and of their hopes. They who have not before been admitted to the foot of your throne, are this day empowered to speak the feelings of a happy nation.

“Your reign, Sire, will be the reign of justice. Your immortal ancestors have held and supported, for eight hundred years, the first empire of the universe: after eight ages of conflicts and of glory, it is time to

enjoy prosperity and repose. The day is at length arrived when the enlightened amongst men know that those qualities entitled to human veneration are the milder virtues, and more particularly the virtue of justice; which indeed constitutes the real worth of a sovereign.

“It was a legislator we required, and the earliest acts of your administration bid us recognise in your majesty him whom Providence has designed for us.

“Wise laws will produce purity of morals; will make the state powerful by giving happiness to individuals, and can alone render the prosperity of the people solid and permanent; for the effects of that virtue by which wholesome laws are enacted cannot be transient.

“As the organs of that law, we shall take the liberty of presenting to your majesty the fruit of our labours and experience;

nor will you refuse us the pride of contributing our share to the mighty reformation which, no doubt, your wisdom will think necessary. Happy, should our lives prove useful to a king—(permit us to repeat your own gracious expressions)—to a king who has restored us to a nation's wishes—and to a people—to whom we are indebted for the renewal of our sovereign's favour.”

MALESHERBES had passed his word to tell truth to the king; and he lost no time in making her accents audible. In a very ample memoir he laid before him the calamitous condition of the kingdom; and described in vivid characters, the afflictions of which it was the prey: pointing out to him those remedies by which alone France could be saved from absolute ruin.

“It is necessary for you, Sire, (said he) to fly to the assistance of a people overburdened with taxation: it is our duty to exhibit to

you the hideous spectacle of the fairest kingdom of the earth crushed beneath a tyranny which, day after day, is gathering strength: the people, while they admire your goodness, also implore its aid: but we, as the defenders of the people, invoke your justice: aware, that nearly every sentiment whereof the bosom of a king is susceptible—the thirst of fame—the love of laudable pleasures—even friendship itself, and the desire of rendering happy those who approach him—are perpetual obstacles to that rigid justice which he owes to his subjects: for, *it is at the expense of the people that a king is victorious over his enemies, splendid in his court, and generous to his favourites.*

“And if France—and perhaps all Europe be oppressed by a weight of taxes; if a mutual emulation amongst the powers have mutually involved them in such enormous expenses as to make those impositions ne-

cessary, and if these expenses are still more enlarged by an immense national debt—then you cannot but recollect that your ancestors have attained celebrity at the cost of generations now in being—that they won all hearts by their liberality, and astonished the world by their grandeur—but that this liberality and this magnificence have created the taxes and the debts by which we are to-day overpowered.

“Your majesty also cannot avoid constantly remembering the virtuous Lewis XII. who, notwithstanding his passion for war, never thought himself authorized to employ such means as might prove oppressive to the people, and that he had the courage to expose himself to the reproaches of his courtiers for imputed avarice, because he knew that if parsimony in a king should be censured by a few frivolous or rapacious persons, his prodigality would bring tears from the eyes of a nation.

“ And while, Sire, that economy is demanded from you by the united prayers of an entire people, they—who imagine a monarch’s greatness to consist in the splendor of parade, are ever the persons who will crowd the steps of your throne: the lowly being—whose very food is wrested from him by taxation, never comes within your sight, whilst the objects of your favour and liberality stand continually before you.

“ We presume to hope that you will resolve on one act of justice, which shall do honour to your reign—namely, to investigate all those mandates whereby any citizens are at present detained in exile or captivity.

“ From such an inquiry, this truth will arise, that orders unfriendly to the liberty of the citizen, ought never to be issued with a view to vindicate private wrongs, or gratify private interests. For in a country possessing laws, there is no need of extra-judicial

mandates: Such orders are given to help the powerful against the weak, without reciprocity—an act of injustice, the greatest that can be conceived!

“There will not be wanting some who may say that there are cases wherein the public peace is concerned, which call for acts of authority not countenanced by the formalities of justice. They may also assert that it is sometimes requisite to quicken the slow pace of regular justice, which would allow the guilty to escape; and that, for the preservation of the police, and the safety of large towns, a power should be granted for securing persons legally suspected. But when, Sire, we shall have discussed these points in your presence, and laid before you the abuses which have been committed, your majesty will acknowledge that they form but very shallow arguments for giving up the liberties of the citizen, into the hands of

arbitrary power; or at least that the oppressed should still have reserved to them the privilege of complaining. If public order does require the arrest of a man legally suspected, the legality of the suspicion ought to be proved; so that he who has been the innocent victim of these political precautions may demand and obtain compensation; and be enabled to learn wherefore and by whom he has been injured.

“ We this day prefer a complaint against *Despotism*. You, Sire, will pardon our using the term, all odious as it is: you will dispense with the intricacies of circumlocution, when we have truths to display. There are men, who have laboured to destroy the municipal spirit throughout France, and to extinguish even the sentiment of freedom: who have—if I may use such an expression—laid the whole nation under a prohibition, and placed her in a state of tutelage.”

MALESHERBES then attacked with energy, directors and deputies, and let fall the following striking observations on ministers.

“The interest of the minister is not always that of the sovereign; for example, when there is a design of subjecting the people to the will of the meanest agents of administration, under pretence of maintaining the supreme authority, or where the powers of government are extended to the most minute and trivial objects, the two interests are then widely different: For it is natural that an individual elevated to the rank of minister should be flattered by the smallest opportunity of exercising his authority—that he should discover on every side friends to protect, and enemies to persecute; and that his pride should banquet on the variety of incense offered to his greatness.

“There must necessarily be,” he added, “two parties in the state: on the one hand,

all those who are near the sovereign, on the other, all the rest of the nation.

“Sire! may the oppressed make you hear their voice; on the day when you shall have granted them that valuable permission, they may aver that there is concluded a compact between the monarch and the nation, against ministers and magistrates: against ministers, should there be any amongst them perverse enough to wish truth concealed from you: against magistrates, should any of these be ambitious enough to affect the exclusive privilege of telling you what it is.”

We felt it a duty to give at large the passages extracted from that memoir, because the sublime and hallowed principles it displays, apply to every age and every country.

If MALESHERBES was worthy of telling truth to his king, LEWIS XVI. was worthy of hearing its dictates: he was ambitious of being enlightened by the rays of genius and

virtue; and had summoned around his person such men as were best recommended by their talents and integrity: at length he threw his eyes on MALESHERBES himself, and in the month of June 1775, appointed him minister of state.

The news of his coming into office was the signal of public exultation: hopes revived in the hearts of the unhappy: the philosopher and man of letters, in his elevation, beheld the triumph of science and the arts; the whole nation resounded with the liveliest expressions of satisfaction; and the rapacious spoiler, the court sycophant, and the public extortioner, were they alone who took no share in the universal joy.

His colleagues, over whom he had presided for five-and-twenty years, could not see themselves separated from him without the most lively sentiments of regret; a loss of such magnitude caused as much sorrow

as that of a parent tenderly loved: but—MALESHERBES had been the director of all their operations, had sustained their courage, and re-animated their energies during a long and tempestuous career: they had beheld him unceasingly occupied with the important idea of public good, and gracing, by his virtues, the tribunal at whose head he was placed.

When his resignation reached the Court of Aids, the members resolved to wait on him in a body, at his house, in order to express the severe affliction which a separation so painful inspired.

The senior president addressed him in the following speech:

“ SIR,

“ The members of the Court of Aids have not consulted their records on the subject of paying you that respect which the

feelings of their hearts have dictated to every individual amongst them: they are too deeply affected with sorrow for their loss in you, and with gratitude for the many marks of regard and attachment you have evinced towards them, not to avow their sentiments, and assure you that they shall never be effaced from their minds.

“ They request permission to offer such a memorial of their esteem as shall descend to remotest posterity, and one which your modesty will allow you to accept: they wish not to present you a studied eulogium; for none can equal your merits: but they trust you will not refuse the homage of the heart, which you so well know how to appreciate.

“ The king has called you near his person; you have taught him to hear the voice of truth, and her accents have decided his choice. We are confident that the air of contagion which you are going to breathe

will make no impression upon a mind such as yours; and the nation, full of reliance upon a magistrate who has defended her rights with so much magnanimity, and a zeal so disinterested—feels persuaded that the language of truth will continue to flow as pure as ever from your lips.”

MALESHERBES in vain attempted to reply; agitation and tears impeded his utterance; and he could only cast himself into the arms of his worthy and venerable associates.

A scene so affecting as this is the more remarkable, as being so very uncommon. The number is exceedingly small of men in power who have carried with them into higher stations, or into retirement, the regrets and applauses of those whom they governed: while thousands might be counted whose retreat has been stigmatized by sentiments of disgust and public execration.

The reception of his successor, M. DE BARENTIN, once more called forth the respect and admiration of his former colleagues. The advocate-general thus addressed the new first president:

“SIR,

“You have succeeded a very great man: but let not the glory of your predecessor—let not a name—calculated to awaken in every honourable breast the gentlest emotions, create in yours a sentiment of fear; and let his virtues be to you but an object of emulation: universally known—universally admired—it was here, where best known, he was most beloved.

“In public, we shared the honours he acquired; here we enjoyed his virtues: formed by his talents to be the oracle of our assemblies; he wished only to appear as one of ourselves. It is as the father of his country that the king has demanded him: he

may triumph in having *found* such a man; and we, in *losing* him, from the opportunity we once more have of saying to the public which hears us,—citizens of every rank—if the king willing, at this period, to choose a minister worthy of him, had assembled you all, and, surrounded by the awful multitude, had asked of you an enlightened and an honest man—whom, without hesitating, should you have named? I hear your reply, and am persuaded, that at this moment these roofs do but echo the sentiment of France! These are applauses that suit the man who modestly thought himself undeserving of any, unless such as he might claim for having never despaired of the salvation of his country!”

It is impossible to add any thing to this panegyric; nor could all the embellishments of a laboured style, nor all the subtleties of oratory, present MALESHERBES more clearly

to our view, than this plain and forcible harangue.

He was, however, now commencing a more brilliant career; but his elevation could not corrupt his heart; nor could the lustre of his high rank exceed that of his virtues. He knew thoroughly well that the approaches to a throne are strewed with dangers; and that he was going to wander alone in a labyrinth of intrigues: but his fortitude taught him to despise the first, and his wisdom could conduct him safely through the midst of the latter.

Truth had long forsaken the court—he had the courage to recal her—to present her pure mirror to the great, and make them tremble at their own image: and, in this strife, should he be forced to yield to the attacks of calumny and envy, he was sure, in his altered fortunes, of the esteem of every generous mind, and of the consoling

reflection that he had faithfully served his king and his country.

Such were the motives which influenced MALESHERBES, when he accepted the situation of minister of state; and it will presently appear that he did not, in a single instance, deviate from the path he had marked out for himself.

He would not permit himself to be dazzled by the splendor of a court; and convinced that a minister does infinitely more honour to his name by a virtuous administration, than by a display of magnificence, he preserved his customary simplicity of dress and manners.

The fashion did not allow magistrates to retain the particular insignia of their functions, when once they became ministers: they were obliged, in lieu of their black coat and plain hat, &c. to wear a bag-wig, and a sword. MALESHERBES, who thought the

habit of a magistrate fully as respectable as any other, and that to change it at his time of life would be in some degree ridiculous, adhered to his former simple dress.

This circumstance, in itself unimportant, made, notwithstanding, a great deal of noise: the courtiers took it up seriously; for these gentlemen had a sovereign contempt for the "*nobility of the robe*," and, for a trifle, would have converted a black coat into an affair of state.

One day *Lamartiniere*, first surgeon to the king, going to perform the duties of his office, met MALESHERBES in the *Œil-de-Bœuf**: they had both of them the same dress; a full suit of black, and the peruke worn by magistrates; *Lamartiniere*, coming up to MALESHERBES, tapped him on the

* *The Ox's eye*; an apartment of the palace

shoulder, and said, "Good-day, father"—
"Good-day, brother," replied MALESHERBES,
smiling at being mistaken for a priest.

Though deeply engaged in meditation, he
always preserved a gaiety and readiness of
repartee very rare in a statesman; and was
never known to repulse with harshness any
who came to seek justice or protection from
him.

He had nearly the same functions to perform, as are, at this day, annexed to the office of "minister of the interior:" his post, consequently gave him the power of encouraging polite literature, agriculture, and all the useful arts. But the first wish of his heart was to hasten to the relief of the unfortunate, and to repair the ravages of arbitrary power: he therefore, obtained an exact statement of the situation of the prisons, and the number of the confined; and was not content with reports only, but resolved

to judge for himself. On the 27th of August 1775, he went to the castle of Vincennes, and interrogated the prisoners with the utmost tenderness: he assured the victims of authority that they should receive prompt and public justice; and treated, with the most consoling attentions, those whom weighty considerations, or reasons of state had deprived of their liberty.

The promises of MALESHERBES were quickly fulfilled: the prisons thronged under the DUKE DE LA VRILLIERES soon enclosed none but common malefactors, or persons otherwise dangerous to the interests of social life: all those who, by a long captivity had expiated some trivial indiscretion, unguarded remarks, or speeches perhaps a little too free were restored to society, and to their disconsolate families. Thus the name of MALESHERBES was in every mouth; and all France, blessed both the sovereign who took counsel of a sage, and

him who so amply justified the confidence of his prince. The report which MALESHERBES, on this occasion, laid before the king affected him deeply: he could not refrain from tears on learning that a vast number of the imprisoned, worn out by cruel treatment, had actually lost their senses; and that others, from want of proper assistance, were a prey to the most deplorable infirmities: he thanked MALESHERBES for affording their wretchedness all the alleviation in his power, and intrusted him with a considerable sum of money for their relief.

Humanity was also indebted to MALESHERBES for a reformation highly salutary and philanthropic. Those condemned to confinement for theft, or other crimes, were crowded together in large apartments; and these beings, already corrupt, far from repenting of their errors, did but incite each other to the commission of new enormities,

and transformed the prisons into regions of vice and profligacy.

MALESHERBES, willing to stay the progress of depravity, procured a greater number of rooms to be built, and the prisoners to be separated; and, in order to rescue them from the dangers which ever follow in the train of idleness, he established amongst them the spinning of cotton, and other works, the produce of which was appropriated to their maintenance and support.

It was not sufficient for him thus to have diminished the mass of general evils; he wished also to prevent their future growth. The “lettres de cachet” had been multiplied to an alarming degree under his predecessor: courtiers, farmers-general, favourites, all, even to the lowest clerk, obtained these with shameful facility; these engines of despotism were become an article of speculation, and the abundance of them having reduced

their price, it was possible, for a very trifling sum, to be delivered from the fear of an enemy, or the importunity of a creditor!

The moment that principles are forsaken, a door is opened to the greatest abuses. "Lettres de cachet" were originally employed only on occasions of the last urgency: the king alone could make use of them; nor had he ever recourse to that pernicious extremity, but with the utmost circumspection; by degrees however, kings confided in their ministers; ministers in their controllers; these relied on their deputies; the deputies on their clerks, &c. And thus were introduced those calamities by which the people have been overwhelmed. When once, unfortunately, we make a single step beyond the boundary of established duty, we part from it by imperceptible gradations: its form fades upon our view—we wander bewildered, and can return no more.

Had MALESHERBES consulted only his feelings, he would have annihilated an institution which had its source in arbitrary power: but the more ancient abuses are, the greater dexterity is required to destroy them: in rending them asunder with too much violence, there is danger of breaking to pieces the secret springs of government, and exposing the state to shocks, the effects of which are always doubtful.

Innumerable precautions are requisite to produce reform; for measures the most iniquitous, abuses the most vexatious, will still find persons to deprecate their removal, whose interest it is to persuade the ruler that designs are formed against his prerogative.

The chief care which occupied MALESHERBES, on coming into administration, was to collect around him virtuous coadjutors; to allot proper persons to his different of-

fices, and to shut the doors of these against such abandoned females as barter for gold the favours which cost them so little.

M. LEMOINE, counsellor to the Court of Aids, a man recommended by his abilities and worth, was placed at the head of all affairs connected with public disbursements: and M. SENAC DE MEILHAN, heretofore controller of Valenciennes, was directed to draw up an account which should ascertain precisely those very uncommon cases, wherein the support of order, and the safety of the state, could authorize the sovereign to lift himself above the forms of justice, with a view to deprive the citizen of liberty.

MALESHERBES, besides, declared to the king, in a manner the most impressive, that his principles forbade him to give his personal acquiescence to any order of the nature alluded to; and he obtained authority to constitute a commission, composed of se-

veral enlightened and upright magistrates, to which all demands for "lettres de cachet" should be submitted; and whose verdict should be unanimous, and grounded on motives the most incontrovertible.

This was the true method of demonstrating the necessity of vesting in tribunals, so formidable a privilege, and of showing that the citizen could not, in any case, be deprived of the legitimate judges appointed him by the laws and constitution of the state.

He avowed, at the same time, that this commission, which he had composed of irreproachable men, could be but temporary; and, in fact, that declaration was the only security he could offer to the public; for men change, while institutions remain.

This plan, in the hands of a corrupt ministry, might easily degenerate into a kind of *star-chamber*, or secret inquisition, which

could not be looked on without horror. But the object of MALESHERBES was to prove that nothing on earth was capable of supplying the place of laws; and that tyranny, under whatever form it may be disguised, is ever followed by injustice, by the indulgence of licentious passions, and by every ill that can afflict the human race.

Amongst the number of estimable men who had cause of complaint under the preceding reign, none, perhaps, had suffered more than the unfortunate LACHATOLAI, president of the parliament of Bretagne. This excellent magistrate, having had the courage to resist the oppression of the Duke d'AIGUILLON, saw himself torn from the embraces of his family, dragged from prison to prison, and stript of all his property. MALESHERBES laid an account of his sufferings before the king, and procured him a sum of one hundred thousand livres, as a

compensation, and a pension of eight thousand more, to descend to his heirs.

But, though ever ready to dry the tears of the afflicted, and fly to the succour of persecuted virtue, yet was he armed with inflexible severity against the profligate and depraved; and still repelled with disdain such men of rank as bring scandal on the public name by the licentiousness of their morals.

The Count DUBARRI, surnamed "*le Roué**, " who was in the habit of supposing himself a person of consequence, because his wife had administered to the looser pleasures of the late monarch, retired, since the commencement of the new reign, into foreign parts, from a dread of suffering the just chastisement due to his matchless impudence, and adroitness as a sharper. But probably, not

* Roué signifies "broken on the wheel."

finding, in the countries through which he strayed, as many easy dupes as in France, he wrote to MALESHERBES, in November, 1775, to gather from him what effect his return would be likely to produce, and to request he would tell him 'if it were advisable for him to appear again in Paris.

MALESHERBES, indignant at such effrontery, answered him dryly—that there existed a perfect indifference respecting his person, that he was not a creature of importance sufficient to engage the public attention; and that in future he must address himself to *the chief officer of the police*, that being the only magistrate under whose inspection he could properly be placed.

During the administration of MALESHERBES commerce was protected, the inland navigation regulated; and agriculture, recently oppressed by taxes, received all the encouragement requisite to put it into a flourishing condition.

But, above all things, he loved to follow the impulse of his heart by promoting literature. Men of letters still remembered with gratitude the good offices he had done them, when he had the direction of the press. Become more powerful, he also became, if possible, more liberal, and exerted himself to make smooth the rough and thorny paths of learning: in short, he continued to prove himself what he had ever been, equitable and generous towards the humble and the oppressed, and inexorable towards the oppressor.

A person named *Bausole* had procured, July 26, 1775, a representation, at the French theatre, of a tragedy in *six* acts, entitled "*les Arsacides*," which failed of success; nevertheless, the singularity of such a production attracted the public notice for several nights, but the players conceived that they were not bound to pay the author his share of the

profits. *Bausole* complained to MALESHERBES, who promised him speedy justice; and the actors having, shortly after, sent him a new piece for his license, MALESHERBES answered them—I grant it to you, but on one condition, which is, that you shall pay, without farther hesitation, the money fairly due to *M. de Bausole*, and that hereafter you show more regard than you have done, to literary men, who deserve the respect of every thinking being, and are particularly worthy of your's."

Soon after this, MALESHERBES heard that a descendant of CORNEILLE was in want of the necessaries of life: he hastened to do honour to the memory of a great man, by paying a visit to his niece; he spoke to her in terms of respect and tenderness; immediately obtained her a pension, and for the remainder of his life displayed towards her every mark of the most sincere and lively friendship.

MALESHERBES, during his administration, formed a strict intimacy with M. TURGOT, who then held the place of controller-general of the revenue, and whose able conduct has gained him so celebrated a name: these two virtuous men were formed for one another; the love of public good burned with a flame equally pure in the bosoms of both; the same principles marked their political conduct, and a similarity of sentiments and talents united them together.

Hence they mutually assisted each other in the cabinet, where they had to contend against a host of ancient prejudices, and established errors; and, above all, against the jealousy of the courtiers.

The more popularity both the one and the other possessed, the greater was the number of enemies they made at court. M. TURGOT especially, was on the worst possible terms with the financiers; the new system of ad-

ministration, which he wished to introduce, met with every sort of opposition from them: money was dealt out in profusion, and insurrections were fomented as if on account of the high price of provisions: in the end, yielding to the redoubled efforts of his antagonists, disgusted and calumniated, he was dismissed from the ministry in the spring of the year 1776.

MALESHERBES himself had experienced the greatest mortifications. Owing to a barbarous custom, the Protestants who inhabited France, found themselves placed under a species of civil excommunication; the law did not recognise the marriages they contracted, and their children were branded with illegitimacy.

The interests of humanity, of commerce, and of sound policy, called loudly for the abolition of a principle so illiberal: accordingly MALESHERBES laid before the council

a report dictated by the wisest motives, and by the most enlightened spirit of toleration.

But certain persons in power had sufficient credit to cause the rejection of this salutary design, which they took care to represent as an innovation of a dangerous tendency.

MALESHERBES, convinced how vain all his efforts were, did not desire any longer to retain a situation to which the confidence of his prince had called him: he dreaded lest his presence at the council-table should be considered as a kind of tacit approbation given by him to whatever measures were there adopted: he was in fact upon the point of retiring, when he learned the dismissal of his friend M. TURGOT, whose society alone had induced him to sustain the burden of government. He now, however, hesitated no more, but on the 12th of May 1776, resigned his office to the king.

On quitting the theatre of court intrigues,

MALESHERBES panted to breathe again the pure air of rural life, and to enjoy the charms of retirement of which he had so long been deprived.

With the keenest delight did he revisit his groves, his gardens, and his books! Once more agriculture and study engaged all his hours, and it was at this period he began several important works for the instruction of mankind.

He had long formed a design of travelling; and wished to see the manners and modes of government in different nations, and to collect every thing which should strike him as interesting in the paths of science and the arts.

Bidding a tender farewell to his family, he commenced his journey in a style of the utmost simplicity, and travelled under the humble name of M. GUILLAUME.

He visited successively various parts of

France, Switzerland, and Holland, travelling always with the economy suitable to a man of letters: and inspected with attention manufactures, public works, curious mechanism, and every thing that could afford him useful knowledge, or throw new light upon interesting subjects: he even travelled, for the most part, on foot, in order to view with more advantage such objects as deserved his particular notice; and by this method formed a large mass of valuable information.

When the day drew towards a close, he sought for shelter in the nearest village, under the first rustic roof that offered, and there reduced into writing such observations as he had made during the morning. He wrote with ease; his style was, like his person, simple: what he saw, he described with clearness; and made it his constant aim to apply the reflections of his mind to the improvement of various branches of industry in France.

He purposed to arrange the entire collection of the notes he had made during his journies; but they are now, probably, lost to the world: they were carried off by the revolutionary committee, as proofs of aristocracy, and served to furnish matter for the accusation, or rather the murder, of one of the best of created beings.

Inhuman monsters! could they not have abstained from the destruction of this venerable old man!—But they had need of the gloom of ignorance for the establishment of their sanguinary domination: and to possess the lights of learning and probity, being a title to the hatred of these barbarians, MALESHERBES, of necessity, became their earliest victim.

On his travels, he was not satisfied with observing the productions of industry, and the wonders of nature; he also devoted his time to the study of mankind, and was tho-

roughly convinced, that in all countries, as in France, personal interest and cold self-love are the determining motives of human conduct.

He every where found the great, proud, haughty, and hard-hearted towards their inferiors; and saw sufficient cause to lament the corruption of the clergy, whom the world began to treat with contempt, because they no longer respected themselves. The plain dress of MALESHERBES, and the lowly name he had assumed, gave him an opportunity of observing many things which would have escaped him, had he travelled in sumptuous attire, and with a numerous train: men are ever the flatterers of opulence and power; either from a hope they entertain of reaping some advantage, or from the awe which a splendid title inspires; they are then sure to disguise their vicious propensities under the varnish of politeness and

adulation: but before an ordinary person, a common traveller, whom they consider their equal, or perhaps their inferior, they throw aside the mask of hypocrisy, and appear in their natural form.

There occurred to MALESHERBES, in the course of his journies, some adventures sufficiently curious to deserve a place in the history of his life.

On his way to Switzerland, he stopped in a little town of Alsace, and sat down at a "*table d'hôte*" with a friar of the order of St. Francis, a village-justice, and a knight of St. Lewis. The justice, who was a prodigious reader of newspapers, talked politics unmercifully. The affair of the parliaments, and the dismissal of M. TURGOR, were, at first, the subjects of conversation; at last, the military man, heated with the wine he had swallowed, opened loudly against the government; criticised with virulence all

their operations, and accused the new ministers of imbecility, ignorance, and even of corruption.

MALESHERBES, who till then had allowed them to vapour without molestation, now took part in the debate: he explained, with great gentleness, to the *chevalier* in what points his complaints were exaggerated; laid before him the difficulties and vexations experienced by persons bearing the burden of administration; and hinted to him, that, before he condemned their conduct, it would be right to put himself for one moment in their place, and see if it were possible for them to act better than they did.

The knight, unmoved by these sagacious observations, reprobated violently the removal of the late ministers—particularly M. DE MALESHERBES, the most virtuous—the wisest man in France.

MALESHERBES, embarrassed, did not im-

mediately know how to reply: "Sir," said he, "are you acquainted with him?" "No.—But, in what I say, I am only the echo of the whole nation—and I maintain it—that great minister has been dismissed, only because he saw too clearly."—"Undeceive yourself, my dear Sir; if he withdrew, it was from a sense of his own insufficiency."—"Good heavens! are you an enemy of that admirable man?"—"No, indeed, I am not the enemy of MALESHERBES; but I cannot endure to hear him praised above his merits."

The reverend cordelier, who had been, for half an hour, fast asleep, was roused by the din of argument: "Are you not speaking, cried he, of MALESHERBES, that heretic, that profane one, who desired to overturn our holy religion, and substitute that of the Protestants? he is sent adrift—and so much the better!" The military gentleman, who had hitherto refrained with difficulty, here apos-

trophized the holy man in very energetic terms: the justice in vain endeavoured to restore peace; already was a bottle levelled at the friar's rosy face, when MALESHERBES, willing to terminate the dispute, interposed: "Stop, gentlemen, there is one sure method of bringing you to an agreement; you are both equally mistaken: I am MALESHERBES." —At this name, tranquillity was re-established; and they all respectfully stood uncovered before him. He addressed them: "You, chevalier, are in some degree wrong to pronounce so heedlessly on subjects of moment, and to praise a man at the expense of those who are entitled to your esteem and veneration: I thank you, however, for the good opinion you have expressed of me: but reflect, that it is prudent to wait, before you applaud a man in public station, until time shall have allowed you to form a judgment of his conduct. As for you, reverend father,

you have been misinformed: fanaticism, that poison of the mind, has perverted my intentions; and I consider it a duty to vindicate myself to you. When I proposed restoring to the Protestants their civil rights, I fulfilled a sacred obligation, and but anticipated a measure, which sooner or later must be adopted.

Yet, far from designing the smallest injury to our holy religion, I have on the contrary, done homage to its purity, by cherishing two of its leading precepts—toleration and the love of our neighbour.—Gentlemen, I wish you a pleasant journey.”—With these words MALESHERBES retired, and left his auditory confounded at what had passed.

At another time, in going to view a fort built by the Romans, he was caught in a tremendous storm, and endeavoured to regain the little village, where he had halted the evening before; but, being obliged to

cross a wood of considerable extent, he mistook the road, and went completely astray in a forest unknown to him: at last he made his way out of it; and, in a plain, discovered a village, towards which he directed his steps, and reached it, wet to the skin.

He there requested to be shown the parsonage; paid his compliments to the vicar, and begged a lodging for the night. "I am rather suspicious of your gentry who go astray," replied the doctor, with a very inhospitable air. — "I have some such here every day, and am not quite fool enough to be their dupe: if, notwithstanding, you choose to pass the night in my barn, I shall go and have it opened for you: that is the only apartment I can give you."

MALESHERBES, who, unluckily, had neglected that day to supply himself with money, readily closed with the vicar's offer; he laid himself down on some fresh straw—and often

declared that he never enjoyed a better night's rest.

As soon as he beheld the first rays of the morning, he sallied from his bed-chamber; and, by asking questions, once more got back to the place where his carriage waited for him.

Immediately on reaching the next post-town, he wrote the following letter to the clergyman who had received him with so much kindness: "M. DE LAMOIGNON MALESHERBES requests the vicar of * * * to accept his most sincere thanks for the shelter he was so obliging as to afford him. M. DE MALESHERBES will never forget the doctor's hospitality; and, as a testimony of his gratitude, has asked the minister, who disposes of all ecclesiastical benefices, to bestow on him the first vacant *canonry*, without a doubt of his demand being attended to."

MALESHERBES kept his word, and the

pastor received the reward of a good action which he had *not* done! It must be admitted that this was, at once, a severe and a most noble rebuke.

After travelling for several years, he felt strongly a wish to repose himself:—he returned to his country-seat, and, on finding himself once more amidst his family and his faithful dependants, he is said to have burst into tears!

His old gardener triumphantly showed him that the plantations had not suffered in his absence; and all the inhabitants of the village came forward to testify the joy which the return of their benevolent landlord inspired.

MALESHERBES then recommenced his darling pursuits; and study, acts of humanity, and the advancement of agriculture, occupied his time.

His travels had greatly added to his stores

of information, and practical knowledge, in-
somuch that he was often heard to lament
his not having travelled before he became
prime minister; for he thought, to govern
men, it was necessary to know them well;
and that it was not in books alone where
that abstruse and indispensable science
could be found.

The philosophic spirit had now made
such advances, that MALESHERBES was ena-
bled to reconsider the civil situation of
the Protestants, which, during his adminis-
tration, he had vainly endeavoured to im-
prove. He composed, with a view to this
great question, two essays, which are speci-
mens of acuteness and liberal inquiry; and
which were both laid before the king.

The first was a treatise, very ably executed,
in which he completely refutes the prejudice
that opposed the legality of Protestant mar-
riages, and which drew all its force from the

authority of LEWIS XIV. and the indolence of his successor. In this dissertation, which is characterized by the most enlightened principles of wisdom, MALESHERBES demonstrates that it never was the intention of LEWIS XIV. to reduce the French Protestants to their then existing condition; that his primary object was, to modify their situation by a law similar to the one he proposed; and that the system of coercion in the clergy, who, at that period, ruled with despotic power, had alone detached him from his rational purpose. He explained, in a manner not less satisfactory, the inactivity of LEWIS XV. respecting this part of the legislature: it proceeded, he says, to such excess, that the ministers no longer comprehended each other; and the monarch himself, instead of radically investigating the question, descended to the discussion of party feuds, and private disagreements. By

reconciling facts with opinions, he proved that LEWIS XV. Cardinal de FLEURY, the Chancellor D'AGUESSEAU, and all succeeding ministers, would infallibly have adopted the original design of LEWIS XIV. had they not experienced a powerful opposition from the prevailing factions.

This memoir is written with surprising clearness and simplicity: the author perpetually argues from incontrovertible positions, and thence deduces inferences in support of his proposal.

Doubtless, in this conflict, philosophy and rhetoric could have supplied him with formidable arms; but he disdained those refined expedients which are almost always used in the service of a feeble cause; and preferred the dignified language of common sense, the unadulterated accents of truth, to the vain pomp and alluring glitter of eloquence.

He was, however, fully aware that he had to convince men highly prejudiced, and who were more likely to be decided by the opinion of LEWIS XIV. than by that of the greatest authors and brightest philosophers; these being looked upon as the devisers of anarchy, as dangerous innovators, and the implacable enemies of religion and of kings.

But yet MALESHERBES, in attacking the superstitions of barbarism, expressed himself with the respect due to institutions consecrated by the lapse of time; convinced that, did he allow the sentiments which animated his breast to explode in their fullest force, he should but multiply obstructions, and thereby retard the desirable reform he wished to produce.

The other essay is written in a style no less persuasive. He lays it down as a fundamental point, that the king should confess the justice and necessity of giving civil liberty

to all his subjects, and acknowledge the utility of attracting within the circle of his dominions such strangers as would import their commerce and their industry ; and thus vanquish the objections arising from their religious tenets.

In urging this principle, he enquires, in his first chapter, whether, in order to put the king's subjects on a true footing, and secure the enjoyment of similar rights to those strangers who might desire to establish themselves in France, it were sufficient to let fall into oblivion the laws by which Protestant families were made illegitimate, and (to use a common phrase) wink at such as were not Catholics—or, whether the king ought not, at once, to determine their condition by an express statute?

He declaims, with great spirit, against the power intrusted to tribunals of permitting those laws to slumber undisturbed, which

they may deem unjust or cruel. "The support of the supreme authority, and the safety of the citizen, equally require," says he, "that judges should be but the interpreters of the law: the national confidence is placed in the magistrates presiding over tribunals:—but not to the eminence of their station is this confidence owing; for the people are far from having the same reliance on persons of a rank the most exalted, when, as military men, they attempt to execute the orders of oppressive power: I shall go farther, and not hesitate to say, that neither is it due solely to their personal characters; because they often enter into the sanctuary of justice, ere the character has been proved, and while it is yet unknown to the public: but the people, in the persons of magistrates, view and venerate the law's immutable essence, of which they are only the organs.

"Should a judge have the right to warp

the law according to circumstances, according to his private knowledge of particular facts, he will quickly be considered by the public as part of the executive government.

“ The king, it has been said, has promised to soften this cruel edict: but—it is not the promise of the king, it is not the momentary caprice of his fancy; it is a positive law which should give security to the Protestants of the realm: for the citizen, whose thoughts centre not in himself, but who turns them on the interests of his family, ought to tremble for his children and his grandchildren; doubtful, as he well may be, if the successors of the king will entertain the same ideas with him; particularly on a subject where religion is supposed to be concerned, and where the clergy have been sometimes known to abuse the power their sacred character gives them over a pious sovereign.

“ What prince ever possessed more emi-

nently the spirit of justice than LEWIS XIV.: Under his reign every thing was done to make this virtue flourish—yet in this very reign was the sword of persecution unsheathed!”

MALESHERBES then touches on the oath exacted from Protestants, previously to their exercising any public function; and takes occasion to offer some very just remarks upon the manner in which this solemn act was profaned.

“ If I am asked,” he proceeds, “ for an example of what I denominate the profanation of an oath, I shall cite that which is universally known—the oath required from a person accused, who is aware that, should he utter the truth, that truth will conduct him to the scaffold: but there are also many others equally absurd, and of course equally scandalous: at the town-hall of Paris they oblige them to swear, either on the gospel or the crucifix (I do not recollect which)

that they will proceed fairly and conscientiously to the election of such as are most worthy to fill the municipal offices—and the identical persons who are to be thus chosen upon oath, have been appointed long before; have returned thanks for their nomination, and been openly congratulated! There is no one who will not say that this is indecency in the extreme—but none will propose the remedy: oaths are considered as empty formalities; yet not only does religion prohibit this, but public order requires such a degree of respect to be paid to an oath, that he who has a scrupulous conscience should never, without a holy tremor, raise his hand to take one; and that a man of any honour should reckon it a deed of the blackest infamy to have sworn to that of which he was not *certain*.”

These reflections are pointedly applicable to the present day: an oath is now regarded

far more lightly than it was when MALESHERBES wrote; for it would be difficult to find, at this hour, any considerable number of persons in France, who have not been three or four times perjured!

MALESHERBES having satisfactorily proved, in his first chapter, the necessity of an express law on the subject before-mentioned, proposed the plan of it in his second.

The substance of the proposal may be seen in the decrees issued by Henry the IV. and Lewis XIV. What he has added, was designed to render more efficacious the measures taken by the former of these two kings, that the Protestants should no longer be, in any respect, a strange nation in the midst of the kingdom; holding estates in common with others, yet having chieftains and judges distinct from those of their fellow-subjects.

What he retrenched from the original consisted only of some resolutions made from a

hope entertained of a general and speedy conversion, at the period of the revocation of the edict of Nantes; but respecting which the government was undeceived towards the close of the reign of LEWIS XIV.

The exertions of MALESHERBES were not confined to this object alone: every thing contributing to extend the influence of religious toleration had a claim to his attention: he composed a very ample tract upon the illiberal treatment of the Jews; and perhaps more general knowledge or deeper erudition were never displayed on that subject. This work still exists in manuscript, and it is to be hoped his heirs will shortly give it to the world.

He was employed in preparing for the press, an essay of still greater importance, when, in 1786, the king again invited him to his councils, without appointing him any particular office in the administration.

The reins of government hung loose in the hands of a well-meaning but feeble monarch: the parliaments had once more set up the standard of opposition, day by day the national debt augmented; in short, every thing announced the approach of a fatal crisis, when the ruling powers implored the long-required aid of MALESHERBES.

The ministers, in calling him then to the cabinet, felt the propriety of sustaining their own measures by the interests of a man of spotless reputation, and of popularity to attract the nation's confidence. But MALESHERBES was too clear-sighted not to perceive the abyss into which they designed to plunge their country: he poured forth in council the most formidable opinions; opposed all the vigour of his intellect to the erroneous advice they gave the king, and replied to the fantastic schemes of ministers only by downright calculations, and stubborn facts.

Unfortunately his voice was not heard: his apprehensions they regarded as chimerical, his projects as hazardous, and his system of administration as a good man's dream; they therefore counteracted his best efforts, and persuaded Lewis XVI. not to listen to him.

MALESHERBES, compelled to keep silence, could not behold, without terror, the calamities they were preparing for their native country. He determined to make one more experiment; and composed two memoirs on the state of affairs, in which, with a bold and steady hand, he rent asunder the veil that concealed them.

It is here that the mighty views and incorruptible honesty of the author are discernible; he has here compressed, in the ablest manner, every striking historical incident, and every idea which the most profound reason could suggest: a faithful picture of

the ills he warned them to shun; a frank and energetic defence of the respective rights and duties of king and people; the whole proclaiming the talents of a statesman. At this era, had his advice prevailed—what benefits would have accrued! what woes would have been spared!

But the king was blinded by perfidious counsellors; men destitute of experience, who had glided from the toilet of the wanton into the highest situations of the realm, could not endure to have their infirmities exposed: and MALESHERBES—abhorred by the courtiers, the object of their malice and of their sarcasms, determined to quit for ever a court, to which, against his inclination, he had returned; and to pass the remnant of his days in the calm of solitude, and in the bosom of his family.

The two memoirs, composed by MALESHERBES before his final resignation, have

suffered the fate of most of his other manuscript works, and been lost in the bloody vortex of the revolution.

The friends of this eminent man, who knew what they contained, declared that they considered them as a perfect introduction to a history of revolutionary transactions; they displayed an abundance of acute and philosophical observations, derived from experience, and from the histories of other countries; and exhibited the real situation of affairs and persons at the epoch of that memorable convulsion, which led the way to the establishment of the republic.

LEWIS XVI. was so egregiously prepossessed, that he had not even read over these two essays: in vain did MALESHERBES, at different times, supplicate him for the indulgence of a private interview; he never could obtain one, and artifice at length succeeded

in estranging the most virtuous of counselors from the weakest of kings.

When at last the eyes of LEWIS were opened, he examined the memoirs of MALESHERBES, and perceived that he alone had discovered the true remedy for healing the wounds of the state: he then lamented not having listened to his admonitions—and, alas! late and ineffectual repentance! could not refrain from shedding tears at the retrospect.

In the recesses of his woods, the news of the *Revolution* reached MALESHERBES, and he heard of the event without astonishment; he was even, for an instant, sanguine enough to hope that he should now witness the extirpation of abuses: but he soon found that they reformed ancient institutions, only to fabricate establishments for new men and factious leaders, cursed with the ambition of becoming important; and fearless of the

destruction they might bring on their country, so they could, in the end, but seat themselves upon her ruins.

He, nevertheless, saw with concern, wise and moderate men forsake their public stations at the moment when their assistance was most requisite.

The vessel of the commonwealth, tossed by a merciless tempest, had none but the timid and inexperienced to guide her course: all men of acknowledged talents refused their aid, nor was it possible she could escape being lost amidst the perils of a stormy sea!

They are our destroyers—has it often been said, those puny gentlemen, who, having been foremost in countenancing a change of affairs, now, at their nightly revels, where they gather their opinions, declaim aloud against innovation; this is, however, but the waywardness of children—watch what the result will be! And indeed how frequently have we, with dejection and

sorrow, beheld men, though called on by their education and their powers, disdain the higher offices of government, and abandon them to beings as gross as they are uncultivated.

At his castle in the country, MALESHERBES employed himself in writing a work on agriculture, which he had long meditated, and at length published, in 1790, under the title of "*An essay on the means of accelerating the progress of rural economy in France.*"

The author was always of opinion that the greatest obstacles to the progress of agriculture necessarily arose from this cause, that experiments were made by a variety of persons, different in talents, in character, and in their habits of life.

He conceived it was only from the settled cultivator, from him who really improved the value of his farms, that solid and beneficial experiments could be expected: but

the mere farmer has rarely an idea of any thing except what he sees; and should there happen to be one desirous of bringing his grounds to a state of perfection, he can only attempt this by imitating what he observes in his neighbour: books are of no use to persons of this class; they neither comprehend nor confide in them. If there happened to be a man possessing an original spirit of research and emulation, which might tempt him to undertake something new, or hitherto unknown in his part of the country, the means are wanting; he has to seek for the model of some useful instrument, or for the peculiar kind of grain he wishes to grow; and admitting that the necessary expenses were not more than he was equal to bear, still he has neither correspondents nor connexions to procure him what he requires: and the consequence is, that cultivation can only proceed step by step, and very slowly.

The author adduces many cases in point; and mentions two brothers of the name of *Duhamel*, whose intimate friend he was; and whose example had, in some measure, indicated to him the remedy applicable to the evil he opposed.

The elder, *Duhamel de Denainvilliers*, never quitted his country place, where he enjoyed happiness himself, and promoted that of all his neighbours. He was extremely assiduous, succeeded in all his projects, never gave an opinion till after the fairest trial, and saw distinctly what he viewed, because—says MALESHERBES, he saw without self-conceit and without prejudice.

The younger, *Duhamel Dumonçeau*, the author of several well-known works, endowed with equal worth, and the same zeal as the elder for the good of the human race, had yet a more ardent character than his brother; vigorous and enterprising, he could

not remain perpetually in the country, though agriculture formed his favourite occupation. He found it desirable to range in a wider field, where the sciences might be advantageously pursued; and he delighted in travelling.

Alone, he did but make experiments in miniature, and would perhaps never have followed up any; because the implied success of one made him forget that, in order to pass on to another: or, what is more probable, he would quite have forsaken agriculture for chemistry and experimental philosophy. But he lived a part of the year with his brother, with whose enthusiasm and precision he was well acquainted: all the experiments he had collected, whether by means of speculations in natural philosophy, his own studies, his journies, or the letters of correspondents, were put in practice by the brother, who never left his fields, or the scene of his rural

labours, but gave up to them all his application, not neglecting the smallest circumstance, and afterwards reporting his proceedings to the other, who was a member of the academy. This and some other examples convinced MALESHERBES that it would be fortunate if every resident improver of land had a friend established in the capital, or travelling through Europe, and known to the societies of the learned; or that every philosopher, who wished to cultivate the ground, possessed an associate, who, never leaving the plough, would engage to make trial of his experiments.

In this essay, he undertakes to show that it is not impossible to procure the above-mentioned advantage for the entire nation: he pre-supposes that in France there is neither a society of agriculture, an academy, nor a museum of natural history; and inquires what should be done, in order to create be-

tween the scientific in capital cities, and the resident improver, that degree of friendly communication, by which only the state of agriculture could be advanced.

He suggested the establishment, at Paris, of an office of intelligence for the promotion of agriculture and the useful arts, to be superintended by such citizens as found their occupation and amusement in the various walks of natural philosophy and mathematics; of whom, some should direct their researches towards different arts and trades; and others, who could reside occasionally in the country, investigate, with attention and skill, the progress of rural industry. This office was to have been so constituted, that each farmer and artisan might have access to it. But as it was not possible for all the farmers in France to come to Paris for advice, or write to obtain it, and, indeed, absurd to imagine they would have the wish to

do so, the author proposed forming subordinate offices in thirty or forty chief districts: these to be connected with the great original establishment, and each of them to have a certain circle, in which correspondents should be placed, so distributed, that every farmer might find a corresponding member within four or five leagues of his residence.

He details most fully the duties of the offices, and their correspondents; and manifestly proves, by examples and facts, that they might render services of the highest importance to the interests of rural economy. That part of his work is particularly instructive.

He then proceeds to the manner of executing this benevolent scheme; and observes that the Agricultural Society, such as it was at that period, possessed in itself the elements best adapted to the formation of the office he proposed; and that nothing more

was wanting to its complete establishment than the members assuming the requisite functions.

Such is the former part of this essay, which should be read entirely to give a just conception of the ingenuity it displays.

In the remaining parts, the writer points out the duties to which he thinks the society of agriculture should attend, and thus make itself still more useful: he says, for example, that there are subjects respecting which, the truth cannot be collected from the experiments and observations of a solitary inquirer; that this requires the remarks of different persons combined, some of whom are not in the habit of committing their thoughts to the press. He therefore proposes, that the society, judging for itself of such separate observations on one subject as deserved notice, should be at the charge of publishing them:

A trial of many years would be necessary to confirm the utility of making practical experiments in tillage. There are some which demand even a greater length of time; such, for instance, as relate to plantations of trees; these ought to be examined at the end of five-and-twenty years, and again at the expiration of fifty. The success of a young plantation will not assist us to foresee how the trees may appear at the conclusion of a century: an improver rarely lives long enough to perceive the result of experiments on trees, and his property passes into the hands of others, who will probably only consider the wood with a view to what the timber will sell for. The author says it belongs to the society of agriculture, *which cannot die*, to inspect the consequence of experiments too tedious for the life of an individual. He then advises that the society should send some of its members to ascertain,

on the spot, the condition of the most flourishing plantations, which he mentions, in order that the committee might report, and deposit in the hands of the society, a circumstantial narrative of their observations: twenty years after this, they should, according to him, return with their register of remarks, and notice the alterations produced in that interval of time.

In the conclusion, MALESHERBES observes to the society how vitally essential it is to the progress of agriculture, that the actual state of its different classes should be known, as well as the average produce from the various quarters of the country, and suggests the most direct and certain methods of obtaining this knowledge.

He himself offered to contribute his share to the works he wished the society to undertake: having made observations on the effects produced by the winters of 1788 and

1789, upon foreign trees, and recollecting all he had learned for many years past by experiments on such as might be advantageously cultivated, he presented his remarks to some members of the society, and requested that they would endeavour to verify the facts advanced in his essays.

“ I have yet,” he says, “ some things to offer you on other subjects; but they must be extracted from the journals of my travels, which are not in the best order: nevertheless I shall arrange them at last, and that shall be the concluding labour of my pen.” He then proposes that the society should ascertain by commissioners the real state of his own plantations. These commissioners were appointed accordingly, and were the Citizens THOUIN and TESSIER, celebrated naturalists; and Citizen DUBOIS, now prefect of the department of Gard. But the events of the Revolution prevented their executing the

honourable mission with which they were intrusted.

Towards the end of this memoir, MALESHERBES explains the reasons which opposed an earlier publication of the useful hints it contained: he infers that they could have produced no good effect; and dwells on the inutility of the efforts made by government, at the very time when they evinced the best intentions. He proceeds, "The people should have the fullest confidence in those who undertake to instruct them; and were well entitled to mistrust the persons to whom that task was at one time committed: when instruction was designed for the people, it was conveyed to them by such as were also charged with the execution of the most rigorous orders.

"In most parts of France the citizens were not allowed the liberty of debating on the affairs of their own corporations. I was not ignorant of this defect in the ancient govern-

ment, for I then sat in the Court of Aids; and that court, without foreseeing the mighty revolution of the present day, incessantly demanded that all corporations should be restored to the most inalienable of their rights, that of regulating their own concerns: The court went so far as to say, “*The nation had been put into leading-strings, and had tutors placed over her.*” But it was only through the medium of these false guardians that it was then allowable to speak to the people. Now, a new order of things prevails: we may now hope, that the people, represented in each district, and in the general assemblies by those whom they consider worthy of their confidence, will no longer suspect that every act performed for their advantage conceals beneath it a plot against their freedom: no longer will the husbandman be obliged to secrete the produce of his industry, from a dread that the display of it would but add

to his load of taxation: no longer will the people regard the wise and the good, who would dedicate their talents to serve them, as the masked emissaries of a government under which they were used to tremble. This, then, is the moment to lay before administration a plan which could have had no success when first conceived."

This passage sufficiently proves that, at the dawn of the Revolution, MALESHERBES was not exempted from a share in the general intoxication; but the terrific events which ensued dispelled the delusion; and he felt more convinced than ever of that eternal truth, that public good is the pretext employed by the ambitious of every description, when their private interest is to be gratified.

MALESHERBES, in his solitude, heard the dreadful particulars of what happened during the months of June, August, and Sep-

tember:—like the philosopher of old, he folded himself in his mantle, and bemoaned the sufferings of his unfortunate country!

He had now attained the age of seventy years, and already saw approaching the termination of a life every moment of which had been consecrated to the happiness of his fellow-creatures, when he was informed by the public prints that the National Convention had passed a decree for the trial of LEWIS XVI.

The great soul of MALESHERBES was deeply afflicted; he remembered all the virtues of a king distinguished for his love of mercy; the best energies of his early years were awakened in his heart—and, departing instantly for Paris, he wrote the following letter to the president of the National Convention.

“ Paris, December 11, 1792.

“ First year of the Republic.

“ CITIZEN PRESIDENT,

“ I know not if the National Convention will allow LEWIS XVI. counsel to defend him, or whether he will be permitted to choose any; if so, I desire LEWIS may be informed, that, should he make choice of me for that office, I am ready to undertake it.

“ I do not ask you to disclose my proposal to the Convention; for I am far from thinking myself a person of such importance as to attract its notice; but I was twice called to the councils of him who was my master, in times when that station was an object of ambition to all; I owe him the same service when, in the opinion of many, the post is one of some danger.

“ Did I possess any possible method of acquainting him with my inclinations, I

should not take the liberty of addressing myself to you.

“ It occurs to me, that, from the situation you hold, you may have a better opportunity than any one else of giving him this information.

“ I am, with respect,” &c.

This letter deserves to occupy the first page in the annals of virtue; it should remain an everlasting monument of courage, of modesty, and greatness of mind: nor can ancient or modern times afford a brighter instance of exalted generosity. Here we behold MALESHERBES, and history will inscribe amidst its fairest records, this sublime act of a man of seventy, who, at the moment when terror chilled the ardour of the bravest, steps forward to solicit, as the most signal favour, permission to defend a king, bereft of his crown, and treated as the lowest criminal.

O perfidious and pusillanimous men—who cringed before his throne, and, unmoved, saw him mount the scaffold! peruse that letter of MALESHERBES.—When that venerable old man taught monarchs the language of truth; when courageously he denounced the oppressors of the people—you crawled obsequious; or, perhaps, yourselves increased the number of those extortioners, whom MALESHERBES endeavoured to crush.

But nature is not lavish in the production of such superior beings as this was, who, despising danger, and spurning at petty considerations, could sacrifice life to his sense of duty, and, without a murmur, devote himself to the poignard of assassins, that he might rescue one victim from their grasp.

Rome, amongst her oppressors, counted many tyrants as cruel as NERO—many courtiers as debauched as ANTONY—but she presents us with only one solitary CURTIUS, plunging into the gulph to save his country!

Without looking back so far, let us turn over the blood-stained pages of our Revolution, down to the 18th of Brumaire: shall we there find a single powerful villain who had not his flatterers? shall we not there behold the former courtiers of the unfortunate LEWIS—caressing the infamous *Robespierre*? shall we not there view them passing from the levee of *Fouquier-Tainville*, to the hall of the Executive Directory? In short, shall we not find time-servers and tyrants on every side—and but *one* MALESHERBES to relieve our terrified eyes!

LEWIS had already appointed, as his counsel, TRONCHET, TARGET, and DESÈZE, when the letter of MALESHERBES was communicated to him by the National Convention: that ill-fated monarch was seen to weep on calling to mind his old and faithful servant; and TARGET, believing it his duty to refuse the defence of a *king*, LEWIS im-

mediately nominated in his place the man who had sought the office as a favour.

On the 14th of December, MALESHERBES was introduced at the Temple: the king, running to meet him, threw his arms round him, and MALESHERBES burst into tears. It is easy to conceive that the interview was most affecting!

How poignant must have been the reflections of this great and good old man, on discovering in a dismal prison the king, whom he had beheld seated on the proudest throne of the earth; on recollecting, that, when last admitted to his councils, his will could have decided the fate of Europe! but that now he had come to try and rescue from the vilest death a prince who had but the other day governed twenty-four millions of men.

Let us hear him speak for himself in the words of a historical fragment found amongst his papers.

“The moment I obtained leave to enter the king’s apartment, I hastened thither, and scarcely had he seen me, when he quitted a volume of *Tacitus*, which lay open before him on a little table, and took me in his arms: the tear started into his eyes, and he said to me, ‘This sacrifice of yourself is the more generous, as you have thereby exposed your own life, and will not be able to save mine.’ I represented to him, that for myself there was no danger; and that, in his case, it would be so easy to make a good defence, as to preclude the idea of any danger there also. He replied, ‘I am sure of it—they’ll destroy me; they possess both the power and the inclination to do it:—however, let us now proceed to the defence, as if I were to gain my cause—and in effect I *shall* gain it, for my memory will survive unsullied.—But when will the two advocates come?’ He had seen TRONCHET at the Con-

stituent Assembly: DESEZE he did not know, but asked me several questions relative to him, and was quite satisfied with what I told him.

“ He laboured with us each day in analysing the various parts of his defence; pointing out what was most expedient, and refuting such charges in the accusation as were unjust, with a degree of calmness and presence of mind that astonished his two advocates as much as myself; and they made the proper use of his observations by taking notes, and expanding their work.

“ TRONCHET, who from nature was cold, and more so from prejudice, was touched by the candour and innocence of the king; and concluded with tenderness a duty he had undertaken with indifference.

“ His counsel, and I myself, entertained some hopes of his being released; this we communicated to him, and even encouraged

the idea: it seemed to alleviate his misery, and for several days he dwelt much on the subject, but the reading of the daily prints opened his eyes, and he proved to us that we ought to renounce all expectation of his escape.

“ When DESEZE had completed his part of the defence, he read it to us; and I think I never listened to any thing more pathetic than the exordium. TRONCHET and I were totally subdued by it: The king said, ‘ We must suppress this; I don’t wish to soften them.’

“ At a time when we were alone, he said to me—‘ I have one great source of anxiety: DESEZE and TRONCHET owe me nothing; they devote their time, their labour, perhaps their lives, to me—and how shall I acknowledge such services?—I am no longer worth any thing—and, should I leave them legacies, they will never be paid.’ ‘ Sire,—

their own feelings and posterity will reward them: you can still, however, confer on them a recompense which will over-pay them.'—'What is that?'—'Embrace them as your friends!' The next day he pressed them to his heart, and they both shed tears.

“The day of trial drew nigh; and one morning he said to me—‘My sister has spoken to me of a worthy priest who has not taken the civic oath, and whose obscurity might perhaps hereafter save him from persecution: there is his address. I beg you will go, speak to him, and prepare him for coming to me as soon as they grant me permission to see him:’—he added: this is a very strange errand for a philosopher! for I know you are one: but—if you should suffer as I have done—and be doomed to die as I must die, I wish you the same sentiments of religion with myself—they would console you much more than any *philosophy*.’

“ After the debate was over in which his counsel and he had been heard at the bar, he said to me, ‘ You are now fully convinced that from the first moment I did not deceive myself, and that my condemnation was decreed before I was heard.’

“ When I returned from the assembly, where we had demanded the appeal to the people, and had all three spoken, I mentioned to him that, on going out, I found myself surrounded by a great number of persons, who had all assured me that he should not perish: at least, not until they and their friends were no more. He changed colour, and said—Do you know those people? return to the assembly—make haste to find out some of them, and say, that I shall not pardon them if one drop of blood be shed for me: I did not wish blood to flow, when perhaps it might have saved my throne and my life; and I do not repent it now.

“ It was I who first announced to him the decree of death: he was in a dark part of the room; his back was turned to a lamp which burned on the mantel-piece, his elbows rested on a table, and his face was covered by his hands.

“ The noise I made interrupted his meditation; he looked firmly at me, stood up, and said: ‘ For these two hours I have been employed in considering whether, during the course of my reign, I deserved the smallest reproach from my subjects: Now—I solemnly assure you, M. DE MALESHERBES, in the sincerity of my heart, and as a man going to appear before God, that I have invariably desired the happiness of the people, and never formed one wish to the contrary.’

“ I saw that unfortunate monarch once more; two municipal officers were sitting beside him; he also sat, and was reading. One of the officers said to me, talk to him;

we will not listen. I then informed the king, that the priest he had asked for would attend him: he embraced me, and said, ‘Death does not appal me, and I have the utmost confidence in the mercy of God.’——

To this narrative of MALESHERBES, in which he speaks much more of his princely client than of himself, it may be proper to add a few other particulars not less authentic.

MALESHERBES every morning brought to LEWIS the various journals and printed opinions of the deputies, relative to his trial. He prepared the business of every afternoon, and remained regularly an hour or two with the king. He himself never lay down, without first reading the several pieces; and, in order not to involve MALESHERBES, who disobeyed the prohibitions of the municipality by carrying them to him, he took the pre-

caution to burn them in the stove of his apartment.

One day that the municipal officers expostulated with MALESHERBES for lending the journals to LEWIS, because while the prosecution was going on, the debates could not but distress him, he replied :—" You little know the mind of LEWIS ; it is a manly mind—he has a firm character." But, said they, another day, appearing alarmed for their own responsibility, you could easily, in this way, convey poison or arms to him : " Fear not," replied MALESHERBES ; " the king is not like other men ; he is religious, and knows how to be resigned."

On coming to the Temple, he found LEWIS in want of common necessities: even unwholesome food had been sent him by the council-general of the *Commune*. In this condition, he was tempted to offer him three thousand livres in gold, contained in three

rouleaux. “Dear MALESHERBES, I accept the sum as a loan,” said LEWIS, “but fancy I shall not want it.” And, in fact, the money remained untouched; for when, before his death, they made an inventory of his papers, he was so scrupulous as to observe that the money did not belong to him; and had written on each of the parcels, “To M. DE MALESHERBES.” He charged a municipal officer to restore them to him; but the civic rulers took care not to comply; they *confiscated* the money—to their own use—as aristocratic coin, stamped with the royal image.

When, with pale cheeks, MALESHERBES advanced to inform LEWIS of his condemnation, “’Tis well, ’tis well,” he exclaimed; “my dear MALESHERBES, instead of lamenting—oh! should you not rather wish me the only asylum I have left!”

MALESHERBES said to him, “There is still

a hope: they are now going to debate the question of a respite of execution: the people are humane, and you have been their benefactor.”

When sentence was passed, the king demanded an appeal to the French people. DESEZE and TRONCHET enforced the request; one, with all the warmth of genuine eloquence, the other, with every refinement that reason could suggest: but — MALESHERBES, overpowered by years and sensibility, could only, with a faltering voice, pronounce the following words:

“ CITIZENS,

“ We are really taken unawares upon a matter of the last importance, and of late I am not in the habit of public speaking . . . nevertheless, I would willingly add something to the unpremeditated observations of my colleagues; but on this subject,

I have a multiplicity of ideas — not imbibed from the individual concerned nor arising from the present circumstance Citizens, while I was yet a magistrate, and often since, I have deeply reflected on the arguments maintained by TRONCHET in your presence: I had occasion, when I formed part of the legislative body, to meditate and arrange similar observations—and must lose the advantage of them, unless you will permit me to lay them before you from this place to-morrow.”

This address was frequently interrupted by the tears of MALESHERBES—but all his efforts were fruitless: they refused him even the delay of twenty-four hours to present his remarks; and he returned to the Temple with a breaking heart, not knowing how to tell LEWIS that all hope was at an end.

On coming before him, his dejected countenance, his distracted air, and the tears

which rolled from his eyes, spoke but too plainly; at last, struggling to conquer his feelings, he broke the dreadful silence, and said—"Sire, you do not want courage . . . your fatal sentence is decreed!!"—"I all along expected it," replied Lewis, with a calm and tranquil look: "in God's name, dear MALESHERBES, do not weep: we shall meet again in a happier world."

MALESHERBES had come to offer consolation to LEWIS, but he required none: he himself consoled his venerable friend, and sought to divert his mind by the following sally:

"M. DE MALESHERBES—they told me in my infancy, that when a king of the race of Bourbon was to die, a tall woman, clad in white, was seen to walk at midnight in the gallery at Versailles: as you so often come this way, have you not met the spectre in your path?"

This attempt which LEWIS made to lessen the sorrow of his friend, produced quite a contrary effect: his tears flowed the faster, and he sobbed aloud.—“ Ah! said the king, I trifled only in order to prove to you that I was not agitated; how much am I distressed to see you so exceedingly afflicted!”

At length the moment arrived when they were to part for ever: LEWIS made MALESHERBES promise to come and see him the following morning; but he several times vainly applied for admission; the doors were unfeelingly shut against him.

With an agonized heart, MALESHERBES regained his former residence, designing to pass the rest of his days in mourning, and in acts of charity.*

* He loved to relate an answer made to him by a poor man, during his stay at Paris.

Obliged to go four times every day to the prison of the Temple, his extreme age did not allow him to walk, and he was compelled to take a carriage.

The endearments of his family for a short time suspended his sorrows; but the late horrible catastrophe was ever present to his view; and he has been known, for many days, to preserve the most melancholy silence.

His gardens, his woods, his books were neglected; an air of general misery was spread over his delightful retirement; and MALESHERBES, continually immersed in meditation, had, for the first time, lost that cheerfulness which never before forsook him in any moment of his life.

One day, particularly, when the weather was very severe, he perceived, on coming out of the vehicle, that the driver was benumbed with cold. "My friend," said MALESHERBES to him, in his naturally tender manner—"you must be penetrated by the cold, and I am really sorry to take you abroad in this bitter season."—"That's nothing M. DE MALESHERBES; in such a cause as this, I'd travel to the world's end, without complaining."—"Yes—but your horses could not." "Sir," replied the honest coachman, "*My horses are of my way of thinking.*"

They were careful to keep from him all the Paris papers: these would only have made his wounded mind bleed afresh, by presenting to his eyes the hideous particulars of an execution, the bare idea of which caused him to tremble with horror.

Indeed MALESHERBES of himself refrained from reading the public journals. From the period that France fell a prey to a body of cruel incendiaries; when guilt became a title to success, and virtue to persecution: he spared his sight the terrific picture of families massacred—of cities depopulated—of new bastiles more odious than the former; in a word, of death casting his baleful and bloody shroud over the greatest empire of the globe. Happy was he, who, in those days of dismay and desolation, could break off all intercourse with the human race! For have we not beheld the proscribed seek refuge in woods, and mountains and caverns, and

think themselves safer with the wild beast of the forest, than amongst the members of revolutionary committees!

Posterity will never give credit to the long list of political murders perpetrated before our eyes: it will not be believed that five or six miscreants, without courage, without talents, and burdened with the weight of public execration, could, for two entire years, keep all France in a state of subjugation, that she permitted her most valuable citizens to perish at the block, and their assassins to become the most important and most active men in the new Republic.

Whilst abroad our courage procured us triumphs—at home we covered ourselves with lasting infamy; we enjoyed the glory of subduing all Europe by the success of our arms, and at that very period, a few villains, who did not know how to handle a sword—made us shrink beneath their knives.

A million of Frenchmen overflowed the territories of our enemies—and often, in the same day, the blood of the son streamed upon the field of battle, and that of the father upon the scaffold!*

MALESHERBES was right in not wishing to see that frightful display of assassinations and carnage: the spectacle would have been too much for his sensibility, and must have excited such a tumult in his bosom as would probably have destroyed a frame already enfeebled by years and intellectual exertion.

Yet he had reached the age of seventy-two without feeling any of those infirmities which usually attend longevity: no kind of excess had enervated his youth, and he possessed in the evening of his days a greater degree of

* The father of the famous General MOREAU was guillotined at Brest, the day on which his son gained the victory that secured to us the conquest of Holland.

health and vigour than most persons in the decline of life.

He gradually returned to his books, and his implements of husbandry; again he appointed fixed hours for bodily exercise as formerly, and sought for new discoveries, or tried some useful experiment for the service of humanity, or the advancement of agriculture.

Occupied in projecting the happiness of his fellow-citizens, he almost forgot the Revolution and its horrors; like that sage of antiquity in a vessel beaten by the tempest, and drifting towards a rocky shore, who did not feel even the agitation of the waves, and continued the work he had begun before the storm.

But—alas! MALESHERBES too was destined to be swallowed in the revolutionary abyss. A dreadful occurrence took place that wrung his paternal bosom, and was the

sad omen of that calamity which awaited himself.

One day, when with a spade in his hand, he was walking in his grounds, he saw approaching him four ghastly-looking men, with disordered hair and livid complexions: he thought he observed these people take the direct road to his dwelling: violent terror seized him; his knees bent under him, and it was with the utmost difficulty he was able to reach the house.

MALESHERBES had cause for his fears: the men, whose forbidding aspects had alarmed him, were the first objects that met his view; and the piteous cries of his children but too plainly told him what their business was.

These were four members of the revolutionary committee of the section of Bondy, who came to arrest Madame LEPELLETIER-ROSAMBO, the daughter of MALESHERBES,

and her husband, once first president of the parliament of Paris.

It is hardly possible to conceive the misery of the old man, when he saw himself torn from the arms of his much-loved daughter! He struck his forehead—uttered loud lamentations, and flung himself at the feet of the barbarians, beseeching them, in pity, to take him with his children. Can a picture of greater affliction than this be imagined! Young ROSAMBO, and M. and Madame de CHATEAUBRIAN, the grandchildren of MALESHERBES, beheld themselves severed from their excellent parents, and were obliged to find consolation for their venerable grandfather, when they were themselves the victims of the deepest despair! The revolutionary satellites were insensible to this most affecting scene: they spoke not but to hasten the moment of separation; and when MALESHERBES and his grandchildren earnestly implored per-

mission to follow M. and Madame de ROSAMBO, they replied, in a tone of derision, that nothing was easier; and that, since they so much desired it, they would perhaps the next day come and conduct them also to prison.

At last, they were forced asunder; and MALESHERBES was enabled to bid them farewell, only by the hope of seeing fulfilled the promise which the assassins had made him. That idea even served to restore his courage: to him time seemed to move slowly; he waited with impatience for the morrow, nor was ever a day of festivity more eagerly longed for.

His dreadful wish was but too well complied with: the hired ruffians of the Revolution were always men of their words when they promised to afflict. MALESHERBES and his grandchildren were arrested, and his papers sealed. He himself gave the neces-

sary directions for the journey; but his venerable countenance was serene, his conversation graceful and gay as in happier times, and from his manner of conducting himself, a spectator would have supposed he was preparing for a party of pleasure.

Notwithstanding this, the report of his arrest spread through the village, and all the inhabitants ran forth in tears to bid him adieu! Neither a dread of the revolutionary murderers, nor the presence of an armed force, could repress their murmurs at the tyrannic act which took their friend and father from amongst them. One exclaimed, that to him he owed his little fortune; another, that he had rescued him from destruction, by assisting him when in distress; a third, that he had rebuilt his house destroyed by fire; others that he had bestowed the bread of industry on their children:—all proclaimed aloud his benevolence and his

virtues; and poured upbraidings and curses on his persecutors.

The municipality immediately assembled, and resolving that he should not be escorted by the soldiers of the police, like the meanest malefactor, unanimously decreed to convey him safely; and four of the members had the gallantry to accompany him to Paris, that he might be spared the mortification of travelling with hired assassins.

MALESHERBES had hoped to be re-united with all his family: but this expectation was cruelly disappointed! They were determined he should drink the last drop in the cup of bitterness; and the ferocious revolutionists took the barbarous precaution of dispersing his children in different places of confinement. His grandson, the young LEPELLETIER-ROSAMBO was the only one shut up with him in the prison of Les Madelonettes.

MALESHERBES heard, without emotion, the

bolts of his dungeon made fast: the fetters of tyranny could produce no impression on his tranquil soul.

Always engaged in exertions for the benefit of mankind, to which his whole life had been dedicated, he still had the happiness of his fellow-creature at heart, though he was himself reduced to the lowest rank of the unfortunate. He instructed his grandson in the principles of a man of honour; and often repeated to him that the testimony of a clear conscience was the first of blessings, and afforded to persecuted innocence the sweetest consolation.

The ingenuous simplicity of the child frequently made him smile with pleasure: he was elated on discerning in his young heart the germ of a noble nature; and delighted to assist its growth by instilling liberal precepts, and the lessons of wisdom. His situation brought to his mind that of the unfor-

tunate LEWIS, imprisoned with his son, and initiating him in the first elements of calculation and geography.

But MALESHERBES could procure no tidings of his other children—and that separation was the only cloud which obscured his latter days; he therefore, with eagerness, solicited the Committee of General Safety for the favour of being enclosed in the same prison with his family. He had no other wish to form; and when, after repeated efforts, this was granted to him, he appeared satisfied, and was heard to complain no more.

If the parting of these virtuous and persecuted people was grievous, the joy of finding themselves, after so painful an interval, again united, suspended for some hours every sense of misery. MALESHERBES, with the most violent emotion, pressed his children to his bosom: but the unhappy parent had,

alas! only a short time allowed him to share their caresses, and he but embraced them on the confines of death!

His arrival at the prison of Port-libre threw those who were confined there into the greatest consternation: until then, a faint ray of hope had cheered them; but when they saw that neither the exalted virtues, nor the long services of MALESHERBES could save him from persecution, every one trembled for his own fate, and looked forward with dismay.

An old man, detained at Port-libre, and who has published some anecdotes of his captivity, mentions, amongst the rest, the arrival of MALESHERBES at that state-prison. "I had been," he says, "about a month at Port-libre, where I was treated with humanity and respect on account of my poverty and advanced age: one evening, when engaged on an interesting subject of conver-

sation, we were suddenly informed that MALESHERBES was come: no one was any longer sure what his own doom might be, when it appeared that so much worth as he possessed could not protect him or his family.

“He entered, and the first movement in the midst of our general distress was to yield the place of honor amongst us to him. I think at this moment I see his placid countenance.” “The seat you offer me,” said he, “belongs properly to yonder old man, for I believe he must be my senior.” It was to me he alluded: we were all greatly moved, and he with difficulty preserved his composure, so powerfully did our emotion affect him.

Here MALESHERBES recognised a respectable father of a family, who had filled an important office under his administration. “What,” said he, “M. DE MALESHERBES—are you here?” “Alas! am I, my dear friend,”

replied the veteran: "I have turned malefactor in my old days, and got myself into gaol!"

As soon as he reached Port-libre, he wrote a letter to one of his friends, describing his situation. He says, "I expect the worst; they will never forgive me for defending the hapless LEWIS XVI.! Nevertheless I solemnly protest, that I glory in sacrificing my life for him; and, far from repenting that act, would again do the same, were it again to be done,"—That letter was transmitted to the public register-office, and some principal persons there restored it to him, observing that it might injure him.

MALESHERBES paused for an instant, and answered the superintendent thus: *You are right: that letter may conduct me to the guillotine—what then?—it shall go. Such is my opinion, and I should be a coward to retract it—I have but done my duty.*

The letter was in fact handed over to *Fouquier-Tainville*, and furnished him with matter for the accusation of MALESHERBES. He, when this was brought to him, said, with a smile of pity, this contains neither grammar nor common sense.

The dreadful hour now arrived in which this excellent and noble family was to fall beneath the sword of assassins, whose fiend-like malevolence, not satisfied with their imprisonment, prompted them to feast their sight with their mangled bodies!

Notwithstanding the atrocious system, to which, by a sort of refinement in barbarity, they gave the semblance of justice, it was scarcely to be believed that they would carry contempt of decency so far as to butcher the defender of LEWIS; one expressly named by the authority of the National Convention, and whom, besides, they could not destroy without surpassing in cruelty the most remorseless of human kind.

The death of LEPELLETIER-ROSAMBO showed this devoted family the fate which menaced them. He died upon a scaffold for having had the honour of defending the rights of the French people in the parliament of Paris: his inconsolable wife was seen to raise her imploring hands to heaven, and beseech Omnipotence to unite her again to her husband, and shorten the period of her sorrows by hastening her execution.

MALESHERBES waited for his death with firmness, and was prepared to meet the blow; when, on the 2d of Floreal, in the year 2, he was carried before the revolutionary tribunal, along with his daughter and grandchildren.

It was at this moment that the daughter of MALESHERBES, so worthy of him, and who resembled him in many respects, took leave of Mademoiselle SOMBREUIL, who had saved her father's life on the 2d of Septem-

ber. Madame ROSAMBO, embracing her, addressed her in terms which well deserve a place in the page of history:—"Mademoiselle, *You have had the happiness to preserve your father—and I have the consolation of dying with mine.*"

MALESHERBES and his children were brought to trial with *Despremenil, Thouret, Chapelier*, and twelve other accused persons unknown to them; and, after something that was a mockery of legal proceedings, the tribunal condemned them to lose their heads, "*being found guilty of conspiring against the liberties of the French people; of having supplied the enemies of the state with considerable sums of money, and, finally, of plotting the downfall of the National Convention, and the restoration of royalty.*"

Alas! MALESHERBES—for ten years past shut up in a solitude which he never left, except to fulfil duties the most honourable,

and such as are held in reverence by nations the least enlightened :—MALESHERBES, who had employed his whole life in helping the powerless, and relieving the unfortunate, is all at once metamorphosed into a conspirator! Barbarous men! when you cut him off, you should have declared him convicted of being the enemy of tyranny, and the friend of virtue—of having protected literature and the arts; of being learned, modest—a rigid philosopher—a faultless parent. These were the qualities which won him your hatred—these the crimes of which he was guilty; and he *conspired* only to promote the happiness of mankind, and the dignity of his country.—But may the scorpions of remorse fill the bosoms of his murderers, and his blood be on their heads!

MALESHERBES heard unmoved his own sentence; but the condemnation of his daughter and grand-daughter tore his heart:

the thought of seeing two weak and helpless creatures perish, whose very sex should have saved them from proscription, shook his fortitude.

Being taken back to the *Conciergerie*, his courage returned:—and he exhorted his children to prepare for death.

Should we attempt to draw this family of virtue waiting for the hour of dissolution, it would be impossible to finish the picture; the tear of sensibility would blot the colouring; nor is it to the eyes, but to the fancy alone, that images so mournful can be displayed. The following lines by *A. Ségur*, though they bear the stamp of sentiment, yet but imperfectly express all that is comprised in a moment so dreadful.

Quel est donc ce vieillard ? . . . et par quelle injustice . . .
 Quoi ! MALESHERBES, c'est toi qu'on entraîne au supplice !
 Ta fille y marche aussi ; son époux, ses enfans
 Sont frappés à la fois, l'un sur l'autre expirans !
 Trois générations s'eteignent comme une ombre !
 Homme pur calme—toi dans ta demeure sombre :
 Qui connut tes vertus, pour toujours est en deuil ;
 La tendre humanité gémit sur ton cercueil.
 Tes bourreaux sont flétris ; ta mémoire est chérie !
 L'honneur de ton supplice a couronné ta vie.

What time-worn form appears ? Thine can it be,
 MALESHERBES ! And is the axe prepar'd for *thee* ?
 Thy daughter too—thy son—their blooming race,
 Together folded in Death's cold embrace !
 They who for thee should weep with thee have bled,
 But calmly rest thou in thy darksome bed !
 Friend of mankind ! a world deplores thy doom ;
 And Pity bends a mourner o'er thy tomb :
 Thy foes have fled ; thy name's rever'd by all,
 And thy pure life crown'd by a glorious fall.

When the fatal bell was rung, MALESHERBES recovered all his wonted cheerfulness ;
 having paid to nature the tribute of feeling,

he desired to set his children an example of magnanimity; his looks exhibited the sublime serenity of virtue and innocence, and taught them to view death undismayed.

In crossing the court of the Conciergerie, from feebleness, he struck his foot against a stone—"Oh," said MALESHERBES to the person next him, "*that is what they term an unlucky presage—now, a Roman in my place would have gone back;*"—and he proceeded smiling.

When he ascended the cart, he conversed with his family, unaffected by the clamours of the ferocious populace; then, on arriving at the foot of the scaffold, took a last and solemn farewell of his children: and immediately after, was dismissed into eternity.

MALESHERBES died aged seventy-two years, four months, and fifteen days. He was, perhaps, the wisest and best man of

his time; and his character will descend without a stain to posterity.

The inflexible foe of arbitrary power, and the undaunted defender of the oppressed, throughout his life he lost no opportunity of drying up the tears of the afflicted, and never caused one to flow. The unassuming scholar, the liberal patron of polite letters, he was not content with inculcating in his writings the precepts of virtue, but gave the example in his conduct.

Some foreigners have endeavoured to tarnish his fame, by accusing him, in a libel printed at Berne, of being a *philosopher*. This is a singular reproach! If philosophy be the love of wisdom, MALESHERBES well deserved the accusation. But the Revolution, while it confounded ideas of every kind, also changed the meaning of words: Thus, because some villains have usurped the title of patriots, patriotism is called crime; because fiends, clad in the sacerdotal

habit, presided at the massacres of St. Bartholomew, piety is termed fanaticism; and because the factious have availed themselves of the authority of philosophers, philosophy and sedition are become synonymous: but the balance seems to be again restored; and this confusion of terms will, doubtless, shortly vanish.

The government has conferred honour on itself, by ordering the bust of MALESHERBES to be placed amongst the statues of those great men whose names reflect lustre upon their country.

All the fine arts should combine to perpetuate his memory: *Sculpture* should bid his features live again; *Poetry* should celebrate his virtues; and *Eloquence* lament over his grave.

THE END.

LB S 29





LIBRARY OF CONGRESS



0 019 640 285 8